

KCRC Board Meeting Minutes

MAY 9, 2023

Meeting Time: 2:02 p.m.

Present: Olson, Bracco & Karvonen

Absent: None

Staff Present: Jesse Patrick, Finance Director; Greg Kingstrom, P.E.,
Engineer/Manager

Guests: See attached attendance list

Meeting was called to order at 2:02 p.m. by Commissioner Olson and the Pledge of Allegiance was recited.

Commissioner Bracco moved to approve the agenda as presented. Commissioner Karvonen supported the motion. Ayes: 3, Nays: 0. Motion carried.

The regular meeting minutes of April 11, 2023 were reviewed and approved by a motion of Commissioner Karvonen and supported by Commissioner Bracco. Ayes: 3, Nays: 0. Motion carried.

The regular meeting minutes of December, 13, 2022 were amended to reflect the corrected 2022 budget amounts. The budget that attached to those minutes was correct. A motion was made by Commissioner Bracco to amend the minutes and supported by Commissioner Karvonen. Ayes: 3, Nays: 0. Motion carried.

Voucher #28281 and #28282, and Master Vouchers #09-2023 and #10-2023 in the total amount of \$282,902.53 were audited by the Commissioners. Commissioner Karvonen motioned to pay the bills as presented. Supported by Commissioner Bracco. Ayes: 3, Nays: 0. Motion carried.

The Financial Statement was presented by Jesse Patrick, Finance Director, and approved by a motion of Commissioner Bracco and supported by Commissioner Karvonen. Ayes: 3, Nays: 0. Motion carried.

Opportunity for public comment was offered. Public comment was given by Mike LaMotte, Nate Clark, Mona Granroth, Jessica Bos, Mark Campbell-Olszweski and Brad Barnett in support of the Fitzgerald's Restaurant. Fitzgerald's owner, Mike LaMotte stated that they would pay for improvements required in the public right of way, such as signs, guardrail, roadway modifications, etc., if addition is to remain and a resolution is agreed to. Sixty-eight (68) letters or e-mails were received regarding the Stop Work Order that was issued by County Zoning Department. Several letters were read aloud, at the requested of author. All correspondence received regarding this matter have been include in the record and are attached to these minutes. Statements were made by KCRC attorney Andrew Spica, from Henn-Lesperance, PLC and Ryan C. Plecha from

Kostopoulos-Rodriguez, PLC. Opportunity for public comment completed and moved to next agenda item.

Engineer/Manager provided a verbal report of current items of general business, operations and upcoming staff training.

Unfinished Business:

The 2023 Paving Projects evaluation of additional work has been agreed to by Contractor at the as-bid unit prices and is within KCRC budget for 2023. Projects will move forward according. Proposed paving includes 2.7+/- miles on Bete Grise Road, to the end at Mendota Channel, and approximately 2.4 +/- miles on Lac La Belle-Gay Road, south of Montgomery Point Road. Paving preparations on Bete Grise Road is expected to start in late June and Lac La Belle-Gay Road is expected to start in late August. All work is to be done by mid-September.

New Business:

Resolution for the Pension Protection Grant Application and designation of Certified Administrative Officer was ready aloud. A motion was made by Commissioner Bracco to approve. Supported by Commissioner Karvonen. Ayes: 3, Nays: 0. Motion carried.

Board reviewed the Resolution for the Engineering Reimbursement to MDOT for retaining a Professional Engineer on staff for the previous year. A motion was made by Commissioner Bracco to approve. Supported by Commissioner Karvonen. Ayes: 3, Nays: 0. Motion carried.

Board reviewed the Draft 2022 Act 51 Report. Commissioner Karvonen motioned to submit the Act 51 Report upon completion, pending completion of the 2022 audit this month. Supported by Commissioner Bracco. Ayes: 3, Nays: 0. Motion carried.

Engineer-Manager informed the Board of the eligibility of the twin CMP culvert on Lac La Belle Road over Montreal River to be added to the MDOT/FHWA bridge inventory. Doing so would make the structure eligible for future repair or replacement costs through the Local Bridge Program. A motion was made by Commissioner Bracco to approve. Supported by Commissioner Karvonen. Ayes: 3, Nays: 0. Motion carried.

Board discussed public comment received regarding the Fitzgerald's encroachment into ROW. Motion by Commissioner Bracco, Supported by Commissioner Karvonen to table a decision until further notice. Ayes: 3, Nays: 0. Motion carried. Legal counsel from both parties will continue to discuss available option for resolution of the matter. Legal counsel for Fitzgerald's requested that the correspondence of October 28, 2022 and January 13, 2023 between parties be included in the record and attached to these minutes.

A motion was made by Commissioner Karvonen to modify the KCRC June meeting date from June 13th to **June 12th at 2:00 p.m.** to allow KCRC staff to attend annual conference. Supported by Commissioner Bracco. Ayes: 3, Nays: 0. Motion carried.

KCRC Board Meeting Minutes

May 9, 2023

Page 3 of 3

Other items of routine business and upcoming meetings were discussed.

Opportunity for public comment was offered. No additional public comment received.

The meeting was adjourned at 2:53 p.m. by motion of Commissioner Karvonen and supported by Commissioner Bracco. Ayes: 3, Nays: 0. Motion carried.



Richard Olson, Chairman



Greg Kingstrom, P.E., Engineer/Manager

ATTENDANCE SHEET: (OPTIONAL) FOR KCRC BOARD MEETING OF 05/09/2023

1. Mike LaMatte
2. Ryan Plecha
3. Nate Clark
4. DEL RAJALA
5. Mona Granth
6. Holly Schipper
7. Koni Howleski
8. Nancy Clark
9. Laura Rajala
10. Elizabeth Webb
11. Joseph Crampton
12. Amy Bastion
13. Erina Stancher
14. Darlene Jordan
15. Bryan Koppala
16. Jessica Bos
17. Henry Hahn
18. Michael Rastelle
19. GRANAM JAENNIC
20. Mark Campbell Olszewski
21. Cathy Campbell Olszewski
22. Father Ambrose - Eagle Harbor
23. Paul English
24. Jan + Fred Reese
25. Sue Peterson
26. Melissa Goulet
27. Craig Kurtz
28. Victoria Baltensperger
29. Brad Baltensperger
30. Marjie Marshall

CONFIDENTIAL AND SENT UNDER THE PROTECTIONS OF MRE 408

October 28, 2022

Via Email Only

Keweenaw County Prosecutor
Attention: Charles Miller, Esq.
5095 4th Street
Eagle River, MI 49950
Prosecutor@keweenawprosecutor.com

Re: New Construction at 5033 Front Street, Eagle River, MI 49950 (“Project”)

Dear Mr. Miller,

As promised and long awaited, please find a copy of the survey performed by Steven J. LeClaire, PS of LeClaire GeoServices. This letter and the survey are being provided to you confidentially and under the protections of MRE 408. Specifically, this letter and the survey provided are not to be disclosed or otherwise made public and should only be provided to those Keweenaw County officials, boards, or personnel that are involved in this matter. Moreover, as previously indicated, Mr. LeClaire’s services were engaged in preparation for potential litigation and providing the survey herein does not waive applicable privileges and work product protections.

You will undoubtedly see that almost the entirety of the Project enclosing the long existing smoker is located in the Front Street right- of-way. My clients are understandably surprised, concerned, and troubled by this most recent revelation. My clients attempted to do everything by the book and took every effort to comply with municipal guidelines in constructing the Project.

Prior to beginning the project, my clients secured a Building Permit and Zoning Permit from the appropriate Keweenaw County departments. In addition to the Building Permit and the Zoning Permit, the Keweenaw County Zoning Administrator, Sara Heikkila, informed my clients that the Project had “plenty of room from the road.” My clients reasonably relied upon the Building Permit, Zoning Permit, and representations of Ms. Heikkila regarding the Project’s compliance with all Keweenaw County regulations, codes, ordinances, and statutes. Also, important to note that my clients have actively and continuously operated a large smoker approximately in the same position as the new structure for the past 12 years. The smoker sat on a cement pad and was secured by its own mass and weight of nearly 7,000 pounds. One of the many purposes of the Project was to enclose the smoker and to ultimately make its operation safer for the restaurant staff and



for those traveling on Front Street. It is worth noting that in the 12 plus years that the smoker operated, there was never a single accident or vehicle related collision caused by or involving the smoker.

Additionally, as a point of reference, my clients also considered the presence and location of the Keweenaw County public restroom located at Eagle River Beach as an additional data point that the Project was compliant with all regulations. Based upon all of the information available to my clients at the time of the Project commencing, they had no reason to believe that the Project encroached on any right-of-way or ran afoul of any zoning ordinances, setbacks, or any other municipal restrictions.

Upon my clients' receipt of the Building Permit and Zoning Permit on May 19, 2022, they proceeded to obtain a MISS DIG permit on June 8, 2022. Ground was broken on the project on June 22, 2022. The Project progressed without issues, with the Mechanical Permit and the Plumbing Permit being issued on July 12, 2022. Also, on July 12, 2022, the Keweenaw County Building Inspector, Eric Bjorn, visited the site for the first time to inspect the footings. No issues were raised by Mr. Bjorn during his inspection of the Project, which is of utmost importance as the inspection was focused on the footings of the Project. During Mr. Bjorn's initial inspection, the footprint of the Project was visible and tangible, but no issues or concerns were raised in relation to any potential encroachment into the Front Street right-of-way. No issues were flagged in the initial inspection and the construction of the Project continued.

On July 20, 2022, the Keweenaw County Road Commission Engineer and Manager, Gregg Patrick, left a voicemail with an individual working on the Project regarding concerns related to the Front Street right-of-way. Specifically, Mr. Patrick indicated that there are concerns regarding the right-of-way and asked if the Project had been cleared by the zoning department. The following day, Mr. Patrick stopped at the Project to inform those working on the Project that there was an issue with the right-of-way and that the issue would need to be reported to the Keweenaw County Road Commission. More interesting is the fact that Mr. Patrick advised those working on the Project that he was not going to issue a stop work order on the Project at that time. Therefore, work continued on the Project. On July 28, 2022, an electrical permit was issued on the Project.

Work continued on the Project without issue until August 9, 2022, when Rodger Kershner stopped at the Project and began demanding to see copies of the permits for the Project. When asked what interest or right the individual had to see the permits, Mr. Kershner identified himself as the Houghton Township attorney. Mr. Kershner asked if the permits presented were copies, and he was told that they were the originals and that if he wanted copies, he could get them from the Keweenaw County office. On the same day, a person working on the Project attempted to get a permit to pour and repair concrete near the new structure constructed on the Project. As a matter of *coincidence*, the permit was denied, and my clients were informed that a cease work order was going to be issued on



the Project and that Houghton Township had contacted the Keweenaw County Road Commission. The pure optics of the situation make it appear that Mr. Kershner may have exerted some improper influence in getting the stop work order issued on the Project in a matter in which he had no right or jurisdiction and was acting in an ultra vires manner to the detriment of my clients. Ironically, on August 11, 2022, Ms. Heikkila, the same person that issued the Zoning Permit and said that the smoker enclosure had plenty of room from Front Street, delivered a stop-work order on the Project. At the time the stop-work order was issued, approximately 85-90% of the Project was completed.

Despite the false allegations, my clients immediately ceased work on the Project in compliance with the stop-work order. As it specifically relates to the alleged installation of a garage door in violation of the stop-work order, the door was installed and hung well before the stop work-order was issued; it just had never been lowered. My clients have an invoice and video proof of the fact that the garage door was installed prior to the stop-work order, but based on the current situation, that seems to be a moot issue. However, it is important to note this fact because it is apparent that the Project is on the radar of many people, most of whom have no interest or role in determining the outcome of the Project.

My clients' compliance with the stop-work order is further evidenced by the fact that, when pressed by the impending Keweenaw weather and elements, they specifically asked for permission to close in the Project to protect it from the elements. This request was granted after negotiations regarding the scope of the modifications and the required acknowledgments were provided to Keweenaw County by my clients. My clients do greatly appreciate the ability to close in the Project and have done so in an expedited fashion.

Based on the fact that the new structure of the Project is in the Front Street right-of-way, my clients would like to work out a mutually agreeable situation with the Keweenaw County Road Commission, Keweenaw Zoning Board of Appeals, and all Keweenaw County stakeholders. My clients propose the following possible solutions: (1) the vacating or abandoning of Front Street as a county road; (2) revising the plat containing the Front St. right of way to exclude the new structure from any encroachment in the Front Street right of way, or (3) the application for and granting of a permit from the Keweenaw County Road Commission to allow the structure to be completed and operate in its current footprint and location.

1. Abandonment of Front Street

My clients propose that Front Street be vacated or abandoned as a county road under MCL 224.18(3) and be converted into a private road in which all rights, interests, easements, or rights of way held by Keweenaw County or any rights or claims of Houghton Township or the State of Michigan to Front Street as a public road would be extinguished. All land owned by my clients that were previously covered by the Front Street right of way would be vested back to them in fee simple and all the previous County rights to and use



of the property would be extinguished. My clients would assume all maintenance responsibilities of Front Street, including, but not limited to snow plowing, salting, and other winter maintenance of the road. Additionally, my clients would be agreeable to use and contract the Keweenaw County Road Commission services to perform all of the maintenance on Front Street at my clients' expense, which would provide revenue to and reduce expenses for Keweenaw County. Additionally, my clients are willing to discuss compensating the County for the abandonment of Front Street as a public road. Front Street would remain open to the public for transportation and there would be no impact on traffic or the ability to access Eagle River Beach, Fitzgerald's, or otherwise traveling from Maple to E. Main on Front Street.

2. Amendment of the Plat Pursuant to MCL 560.221a

Based on the results of the Survey, the Front Street right of way was established pursuant to the plat of the Town of Eagle River and the adjoining plat of "Eagle River East." The Front Street right of way was primarily established for the Keweenaw Road Commission to maintain Front Street. Under MCL 560.221a, the municipal entity that has the right to the use of the recorded easement can relinquish the use of the easement/right of way through a written agreement. Therefore, my clients are agreeable to entering an agreement in compliance with MCL 560.221a to revise the plat to revise the easement by the least amount necessary to allow the newly constructed structure to not encroach on the right of way as revised and to be in compliance with all ordinances, statutes, and requirements of any governmental entity.

3. Application for and Granting of a Permit or Use License from Keweenaw County Road Commission

My clients are also agreeable to applying for a permit or use license from the Keweenaw County Road Commission to complete construction on the Project and to be able to use and maintain the structure. A permit or use license from the Keweenaw County Road Commission is the most simple and equitable resolution of the situation and could also be used as an interim solution in conjunction with abandoning Front Street or amending or redrawing the Front Street right of way. We would request that the permit or use license be for an extended term of years and subject to automatic renewal but for some specified trigger events that allow the County to examine whether the permit or use license should be renewed. My clients will be able to preserve their investment and continue using the structure as part of its restaurant operation. Moreover, the structure will not impede or modify the winter maintenance of Front Street, which will carry on in the same fashion that it has for the past 12 years. In line with this request, my clients are willing to acquire appropriate insurance and to indemnify Keweenaw County from any claims or damages arising from my clients' use of the right-of-way (i.e. the existence of the structure in the Front Street right-of-way).



In addition to the proposed solutions above, my clients are open to other solutions that the Keweenaw County Road Commission may propose to reach a mutually agreeable resolution of the Project's encroachment into the Front Street right-of-way.

We greatly appreciate your time and consideration of the contents of this letter and especially the proposed resolutions. Please do not hesitate to contact me if you have any questions or would like to discuss further.

Regards,

KOSTOPOULOS RODRIGUEZ, PLLC

A handwritten signature in blue ink, appearing to read "R. Plecha".

Ryan C. Plecha

Attachment – Survey by Steven J. LeClaire
cc: Clients (via separate e-mail)

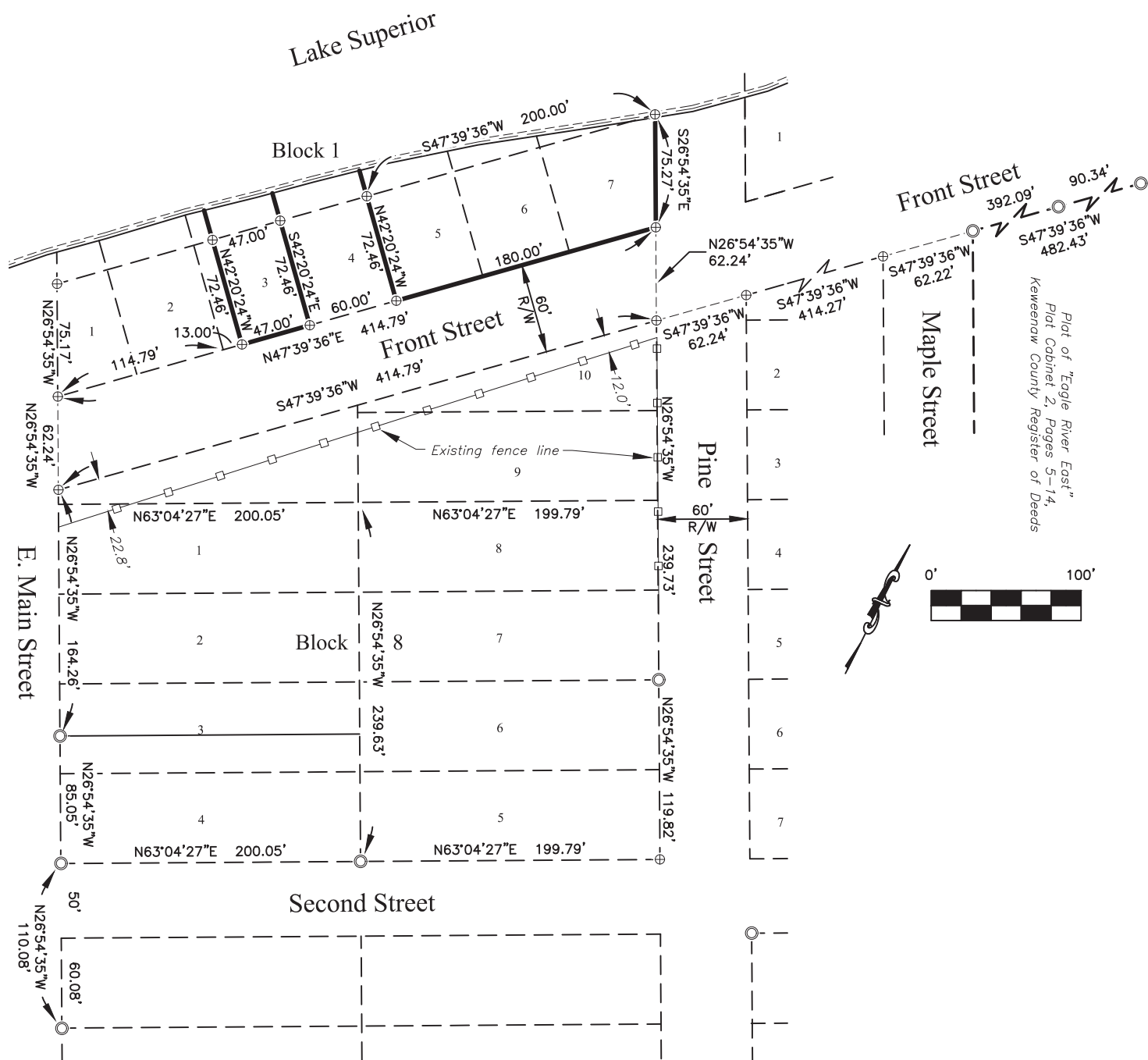
Plat of Survey

The East 47 feet of Lot 3 and Lots 5, 6, & 7, Block 1
 Town of Eagle River
 Houghton Township, Keweenaw County, Michigan


Legend

- ⊙ - Found irons, size & type as noted
 - ⊕ - Calculated point
 - ⊙ - Set capped 1/2" rebar, P.S. #46675
- P.S. - Professional Surveyor
 R/W - Right-of-way

Bearings based on the Michigan State Plane
 Coordinate System, North Zone in International Feet
 NAD83 (2011) as obtained by GPS measurements



Prepared for:
 Mike LaMotte

 <p>LeClaire GEOSERVICES</p> <p>23187 LAKE STREET P.O. BOX 18 DOLLAR BAY, MI 49922</p> <p>906-370-7564</p> <p>WWW.LECLAIREGEOSERVICES.COM STEVE@LECLAIREGEOSERVICES.COM</p>	I hereby certify that I have surveyed and mapped the land above platted and/or described on August 16, 2022, that the error of closure of the unadjusted field measurements was less than 1:20,153 and that the requirements of P.A. 132 of 1970 have been complied with.	
	Job No.	2022-040
	Date	October 26, 2022
	Scale	1 in. = 100 ft.
Sheet #	1 of 3	

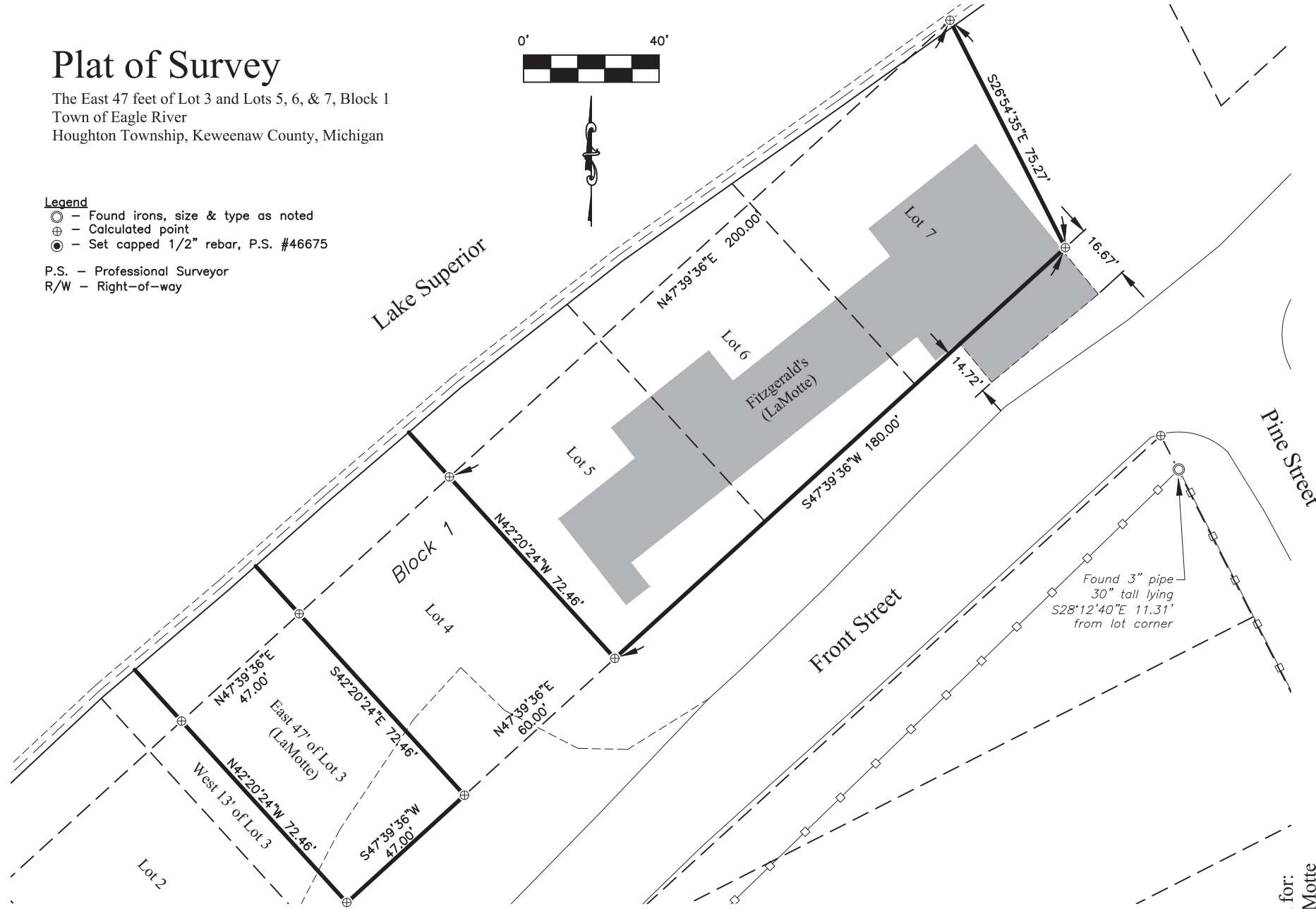
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P.S. - Professional Surveyor
 R/W - Right-of-way



Prepared for:
 Mike LaMotte



23187 LAKE STREET
 P.O. BOX 18
 DOLLAR BAY, MI 49922

806-370-7564

WWW.LECLAIREGEOSERVICES.COM | STEVE@LECLAIREGEOSERVICES.COM

I hereby certify that I have surveyed and mapped the land above platted and/or described on August 16, 2022, that the error of closure of the unadjusted field measurements was less than 1:20,153 and that the requirements of P.A. 132 of 1970 have been complied with.

Job No.	2022-040
Date	October 26, 2022
Scale	1 in. = 40 ft.
Sheet #	2 of 3

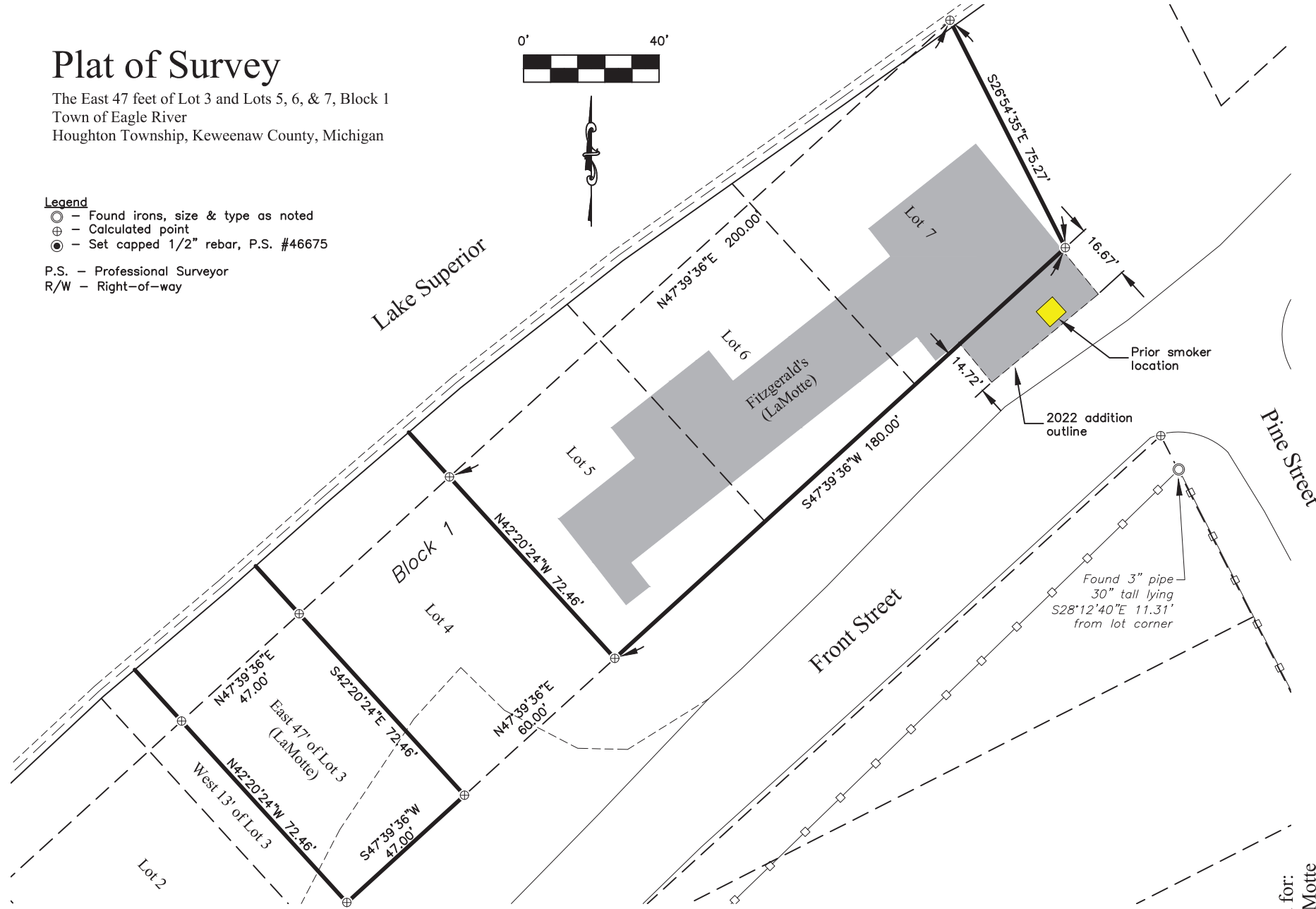
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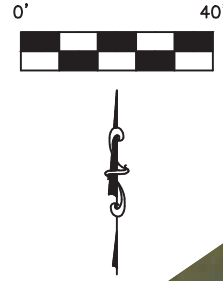
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 Houghton Township, Keweenaw County, Michigan



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 - ⊗ - Set capped 1/2" rebar, P.S. #46675
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 R/W - Right-of-way



Job No.	2022-040
Date	October 26, 2022
Scale	1 in. = 40 ft.
Sheet #	3 of 3

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Prepared for:
 Mike LaMotte



KEVIN M. LESPERANCE | WILLIAM L. HENN | ANDREW A. CASCINI
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STEVEN C. BERRY* | CALVIN J. STERK* | *OF COUNSEL

WILLIAM L. HENN
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(616) 551-1611

January 13, 2023

Via Email and US Mail
ryan@korolaw.com

SENT PURSUANT TO MRE 408

Mr. Ryan C. Plecha
KOSTOPOULOS RODRIGUEZ
550 W. Merrill St., Ste. 100
Birmingham, MI 48009

RE: Front Street Right-of-Way

Dear Mr. Plecha:

This law firm has been retained by the Keweenaw County Road Commission (the “Road Commission”) concerning an encroachment in the Front Street right-of-way constructed by your clients, Fitzgerald’s Hotel & Restaurant (“Fitzgerald’s”). We recently received your October 28, 2022 correspondence to the Keewenaw County Prosecutor. Please be advised that the Prosecutor does not represent the Road Commission. Therefore, please direct all future correspondence directly to this firm. Unfortunately, the three proposals suggested in your October 28, 2022 letter are not viable for the reasons discussed below. However, the Road Commission remains willing to collaborate to find a solution.

A. The MCL 224.19b Permit Requirement

MCL 224.19b prohibits any person from performing work within a highway right-of-way without first obtaining a permit from the Road Commission. Here, the location of the structure housing Fitzgerald’s smoker is well within the Front Street right-of-way. The work that has been completed to date was not authorized by a permit from the Road Commission. While it appears that your clients did seek other permits from other governmental agencies, ultimately a permit issued by the Road Commission to perform work within the right-of-way was necessary.

Equally importantly, the Road Commission would not have issued a permit allowing the structure at that location due to the permanent nature of the encroachment, the overall size of the encroachment relative to available right-of-way, and general traffic safety concerns.

B. Your Proposals Are Not Viable Options

1. Abandonment of Front Street

Your first proposal is for the Road Commission to abandon Front Street. However, doing so would not result in the reversion of the street to the adjacent owners, as you suggest. Front Street is in the Plat of Eagle River. A grantee of property in a plat acquires a private right entitling him or her to the use of the streets and ways laid down on the plat. *Nelson v Roscommon Co Rd Comm*, 117 Mich App 125, 132; 323 NW2d 621 (1982).

When a county road commission abandons a public right-of-way, it only extinguishes the public's right to use that road, street, or easement. See MCL 224.18(3). By bestowing the right to use streets in a subdivision on the owners of lots in that subdivision, the plat gives these owners a right to use these streets that is independent of the public's right to use these streets once they are dedicated for public use. Accordingly, if platted streets are abandoned for public use, the lot owners still retain a separate, private right to use those streets. Essentially, the lot owners retain an independent easement over the streets formerly dedicated for public use, which would be unaffected by an abandonment of the Road Commission. See *Minerva Partners, Ltd v First Passage, LLC*, 274 Mich App 207, 219; 731 NW2d 472 (2007).

While your clients are certainly entitled to file an abandonment petition, and while the Board of County Road Commissioners ultimately would make the determination as to whether the proposed abandonment is the public's interest, this firm's recommendation to the Board would be to reject any abandonment petition. Abandoning the public's interest in the right-of-way would not resolve the traffic safety concerns raised by the structure, and as a highway bordering a Great Lake, it is dubious that abandonment ever would be in the public's interest.

2. Plat Amendment

Next, you have proposed a written agreement to relinquish the use of the easement/right-of-way under MCL 560.222a.¹ However, MCL 560.222a does not authorize the Road Commission to enter into a written agreement to "relinquish" the use of a highway easement. First, the statute only refers to the relinquishment of a "public utility" easement. A highway is not a public utility easement. Second, the Road Commission itself is neither a "municipal entity" nor a "public utility." For example, a "municipality" is defined as "a township, city, or village" by the Land Division Act. MCL 560.102(q). In other words, that statute simply does not authorize the Road Commission to enter into the agreement you have proposed.

3. Permit to Allow the Smoker to Remain in the Front Street Right-of-Way

Your final proposal is that the Road Commission simply issue a right-of-way permit to your client. However, for the reasons indicated above, the Road Commission will not issue a permit for the structure in its current location in the Front Street right-of-way. The encroachment itself is significant, occupying almost one-third of the total platted right-of-way. Moreover, the encroachment is permanent. A structure of that nature encroaching to that degree into a highway can obstruct the vision of drivers and pedestrians. We note in particular that the area to the west of the structure is used for perpendicular parking by your client's patrons. Obscuring that area in any manner would be disfavored by the Road Commission. Lastly, the Road Commission does not wish to invite other requests for permanent structures in such close proximity to the traveled portion of Keewenaw County roads.

¹ Though your letter cites to MCL 560.221a, it appears that the authority is contained in MCL 560.222a and MCL 560.221a does not exist.

Mr. Ryan C. Plecha

January 13, 2023

Page 3

C. Encroachment Removal Authority


When an object like the proposed structure here is placed within a highway right-of-way, it is considered an encroachment. The Road Commission has statutory authority to order the removal of any encroachment, and even to unilaterally remove an encroachment if its owner does not comply with the removal order. Specifically, pursuant to MCL 247.171, the Road Commission can order that an owner remove an encroachment within 30 days. If the encroachment is not removed within that 30-day window, the Road Commission has authority pursuant to MCL 247.172 to remove the encroachment. If that occurs, the owner of the encroachment is liable for the costs and expenses (time, labor, and materials) incurred by the Road Commission for the removal. In addition, the owner or occupant may be ordered to pay a monetary fine for each day after the expiration of the 30-day period.

The Road Commission is *not* formally ordering the removal of the structure under MCL 247.171 at this time, and would prefer to work collaboratively to find a solution. However, should a solution prove too elusive, the Road Commission will require removal of the structure.

Please advise this office should you have questions. We thank you in advance for your anticipated cooperation.

Sincerely,

HENN LESPERANCE PLC


William L. Henn

WLH/gmt

cc: Keweenaw CRC

Greg Kingstrom

From: Steck, Daniel <DSTECK@CSBSJU.EDU>
Sent: Monday, May 8, 2023 7:16 AM
To: Greg Kingstrom
Subject: Statement about the Fitz

Mr. Kingstrom,

I hope that you and the road commissioners will consider the following statement in your decision about the fate of the Fitzgerald Hotel/Restaurant's 2022 addition.

I urge the Keweenaw County Road Commission to require the Fitzgerald owners to remove the new addition from public property as soon as possible.

The owners submitted a zoning permit application that they knew, or should have known, was inaccurate and incomplete. Commercial and public buildings are required to have certified building professionals review the plans to ensure compliance with zoning and building codes. Zoning and building permits were issued based on the assumption that the zoning application was accurate. But when the addition's compliance was questioned last summer, the owners claimed that they did not have a survey. How could you honestly certify that new construction on a small lot that is surrounded by public property could meet legal siting requirements?

One of the owners served on the Planning Commission during an extensive review of the zoning restrictions on expansion of non-compliant structures like the Fitz. So, the applicants knew, or should have known, that the new addition violates those zoning restrictions.

Please do not let the Fitz addition set a dangerous precedent for aggressive developers who would be emboldened to circumvent trespass laws and zoning ordinances.

Unfortunately, I was at the August 2022 Houghton Township meeting where an unruly mob was assembled on the beset of the Fitz owners. The bullying and inaccurate claims prevented any attempts to clarify or settled the dispute. I will not be at the public meeting this Tuesday but would be willing to provide support for my statement at a meeting where civil discourse is possible.

Sincerely,

Dan Steck

Greg Kingstrom

From: Kathy McEvers <kathyhmc@gmail.com>
Sent: Tuesday, May 9, 2023 2:36 PM
To: Greg Kingstrom
Subject: The Fitz' addition

Hello,

I have lived in Eagle River since 1996, and have served on the Zoning (Planning) Board, as well as the Houghton Township Board. I regularly attend Planning, Township, and County Board Meetings.

There is so much that I could say about this debacle, but it would take pages. So what I will say, to be brief, is that it has been coming for a long time. The undisclosed conflicts of interest of various board members have contributed to where we are today.

John Parsons has been a close friend of the LaMotte's (for decades), and more recently of Bud and Jan Cole. (We spent @ five years defending our RR zoning after the Coles befriended a Twp. politician to try to change it.) This has all been documented in letters, many of which were filed in the lawsuit (Edward Cole/Edochi v. Keweenaw County.) This too, would not have happened, had a Twp. politician openly declared his conflict of interest.

Both Coles attended and participated in Houghton Township's unruly mob meeting that occurred in recent months. A mob of angry Fitz supporters (Mike LaMotte and employees, etc.), as well as County Commissioner Del Rajala (whose wife & daughter work at the Fitz) were there because someone had "dared" to inquire whether the Fitz had a building permit for their addition. (It wasn't visible, as required.)

Mike LaMotte demanded to know who it was. (Several residents were asking, and I asked our, now resigned, County Attorney, Rodger Kershner, if he knew.) Kershner said he did not, but that others had been asking as well. So Kershner went down to the Fitz to check it out. (I (He was met with hostility.)

The bottom line, is that the addition should never have been built in the first place due to the fact that it was a non-conforming structure. Had owner Jim LaMotte acted with the knowledge that he had (or certainly should have had) as a Planning Commissioner, he would not have applied for a building permit in the first place.

It is possible that the new and inexperienced Zoning Administrator saw LaMotte (Planning Comm.), as a person with adequate knowledge of zoning, and perhaps even knowledge that surpassed her own.

But also, this building permit should have (but apparently didn't) raise a red flag with the owner's friend and Planning Commission Chair, John Parsons.

The bullying/rallying of an uninformed mob and the one-sided social media posts do nothing to fix this. They are merely an attempt to deflect blame.

I have absolutely NOTHING (nothing) against the Fitz. But I do have an issue with the dishonest way this came to be, and the disingenuous efforts that are being made to try to sway things in their (undeserved) favor.

Kathy McEvers

Greg Kingstrom

From: MARK FRITSCHKE <dovebar68@comcast.net>
Sent: Thursday, May 4, 2023 7:06 AM
To: Greg Kingstrom
Subject: Fitzgerald's

It has come to my attention that there is an issue with the rebuild of the Fitz' smoke and the KBRC. I would think that after permits being issued, at least where I live this includes a site plan and review of offsets prior to permitting, several inspections with no issues coming up and being an obvious project to all involved, there should be zero issues with completing the project and moving on in life. I am aware that the KBRC is nearby and likely traveled past the site, likely have even stopped for some delicious food, this should not be an issue. I respectfully request you allow the project to continue and remove the roadblocks in the Fitz' smoker project. I, with several dozen friends, have made annual trips up the the UP to enjoy the area's sites, sounds and offerings of natural resouces, all the while enjoying the people, food and local arts, crafts, and breweries. Without the Fitz at the center of the weekend, likely we will find a new place to spend our time and hard earned dollars. Please remove the roadblocks.

Respectfully,

Mark Fritsche

Greg Kingstrom

From: Jason Rajala <colorsfromcal@gmail.com>
Sent: Thursday, May 4, 2023 1:30 AM
To: Greg Kingstrom
Subject: The Fitzgerald Restaurant

Dear Greg,

I believe that the Fitz has been a staple of the community in not only bringing people together with their excellent food, but through their events held throughout the year; ranging from fireworks to just general public events. I believe they have brought more tax dollars to the county than any other business. Why put a damper on the very thing bringing money into the county? The fitz isn't an exclusive business they have brought in people from around the world to eat and enjoy the company of one another. The Fitz has held a special place in my heart since I was 16 it was my first job washing dishes. Mike was an excellent career coach, when it came time for me to move forward and enlist in the United States Army he pushed me ensure to myself that this was a decision I wanted to make. I have visited multiple times every time I come home on leave sometimes just to pop in and say hello to the crew. You have them with their pants around their ankles, thousands upon thousands of dollars put into this project at their restaurant. Give them their negotiations please. As a member of this community I believe my voice will be heard, to what extent I am unsure. But I hope this email finds you well.

SGT Rajala, Jason
Team Leader
401st Military Police Company
United States Army

Greg Kingstrom

From: Patty <borniniowa@yahoo.com>
Sent: Thursday, May 4, 2023 12:19 AM
To: Greg Kingstrom
Subject: the Fitz

I would just like to comment that what is being done to The Fitz is unjust. Why punish the only actual business in Eagle River when they apparently went through the proper channels to improve their property and bring more business to the town? People travel from all over to eat at this restaurant and stay at the motel. I have been there to see the new addition and cannot see how it can possibly hinder snow plowing or traffic in the area. Please reconsider forcing them to tear down the new building. It is most certainly in the best interest of everyone to support a business that is trying to better itself and the area rather than punish them.

Patricia Wilke

Greg Kingstrom

From: Justin Drzewicki <justindr23@gmail.com>
Sent: Wednesday, May 3, 2023 11:13 PM
To: Greg Kingstrom
Subject: The Fitzgerald

Good evening Mr. Kingstrom. I am emailing on behalf of one of the gems of northern Michigan, The Fitzgerald. It seems they have been misguided by officials in regards to their recent addition. While I'm not an engineer or expert in these matters, I know the reason I enjoy traveling to your area. The Fitz is a cherry on top of my northern Michigan vacations. The food and accommodations is unmatched in the area. I hope that they are allowed to continue this addition or appropriately compensated for the miscommunication that originated in the government offices that are supposed to regulate these matters. Thank you for your time.

Justin Drzewick

Greg Kingstrom

From: Liz Ross <lizmaross@gmail.com>
Sent: Wednesday, May 3, 2023 10:04 PM
To: Greg Kingstrom
Subject: Fitzgeralds

Hello,

I am writing in support of Fitzgerald's restaurant. I, along with many members of our community am disturbed by learning what has been happening with the construction project undertaken by Fitzgerald's and how the KCRC has been responding to any issues which have come to light.

Fitzgerald's Restaurant is an important business in our small community and not only does it bring positive notoriety to our area, it also brings a lot of visitors from out of the area which many other businesses rely on. I personally hold the quality of the restaurant and its proprietor in very high regard and know them to be fastidious in their approach to following proper procedures.

Therefore, I hope you and the rest of the commission will find a way to work out whatever issues you may have found since their permits were granted and do not continue to expect them to suddenly have to relocate the cornerstone of their business after 10 years of consistent location.

I appreciate your time and consideration.

Elizabeth Ross
Hancock, MI

Greg Kingstrom

From: kenzie klein <mackklein14@gmail.com>
Sent: Wednesday, May 3, 2023 9:52 PM
To: Greg Kingstrom
Subject: Support for The Fitzgerald's

To Whom it May Concern,

Hello. I am reaching out as a proud member of the Keweenaw. As spending 6 years of my life working in the Keweenaw county, I can strongly say the Fitzgeralds restaurant is one of the most caring and community driven business in the state. They provide free thanksgiving dinners as a tradition now. and for someone young like me, who can't afford / doesn't have a solid family history to celebrate, i more than appreciated it.

Working in the service industry, there is no comparison to any other restaurant in the area. The Keweenaw would be distraught if they were tied back because of the holds on their work.

As a COMMUNITY, don't you think we should help them as much as they help everyone else?

So many people come to the area every year just to get some of their hospitality. I cannot really rationalize why they don't have your support. I am seasonal working right now, and when i leave MI i love to talk about the great community of the Keweenaw. But it's issues like this that make me hesitate. I think we all can do better in communicating and supporting each other.

Thank you for your time.
Mackenzie Klein

Greg Kingstrom

From: Laura MacDonald <stclauramac@gmail.com>
Sent: Wednesday, May 3, 2023 9:40 PM
To: Greg Kingstrom
Subject: Fitzgeralds Smoker debacle

Dear Mr. Kingstrom,

Please reconsider your stance on the smoker structure at The Fitzgerald Restaurant and Hotel in Eagle River. Even though I live in Negaunee, Michigan, I have annually attended Gitche Gumee Bible Camp for decades, as well as use the recreation trails in all of the Keweenaw.

The loss of Fitzgeralds ability to use their smoker could lead to the loss of 20+ jobs and greatly affect tourism in your community.

If there were no restaurant options in Eagle River, we would not even bother to stop, and would reconsider our attending the retreat at Gitche Gumee. Imagine how it could affect the Bible Camp. They struggle enough already.

It is my sincere hope the Keweenaw County Road Commission has taken the whole community into consideration when they chose this argument, and not just serving themselves.

I do wonder how many family traditions would be lost with the loss of The Fitz. I also wonder if people who own those beautiful homes on the lake would continue to travel to the area if there were no food options.

You already have no grocery or convenience store, the loss of the restaurant and hotel would be potentially devastating.

I will sign this,

A very concerned citizen,

Laura MacDonald

233 Midway Drive

Negaunee, Mi 49866

Greg Kingstrom

From: Kyle Loveland <kyle.loveland@gmail.com>
Sent: Wednesday, May 3, 2023 9:18 PM
To: Greg Kingstrom
Subject: Fitz

Hi Greg,

I have recently been made aware of the zoning issues happening at The Fitz restaurant in Eagle River. As someone that has spent time in Eagle Harbor every summer of my entire life, I can say that dining at The Fitz has been and remains to be one of the highlights for myself and most of my family. I sure hope the restaurant and the county are able to come to some sort of mutual agreement that allows The Fitz to continue offering their unique smoked BBQ menu.. and hopefully an expanded one at that!

My family (Maze/Janssen/Royston/Bishop/Loveland/Kreofsky.. a mouthful, I know) and I seasonally reside along Marina Road in Eagle Harbor and I have been hearing a lot of complaints from them about the changes happening at the coast guard and the increased traffic it will bring. However, I continue to remind them that everyone deserves to enjoy the beauty and unique offerings of the area.. and the more amenities that can support the increased tourism, the better! A rising tide lifts all boats.

Best,
Kyle Loveland

Greg Kingstrom

From: Abby Fenton <afenton2012@gmail.com>
Sent: Wednesday, May 3, 2023 9:03 PM
To: Greg Kingstrom
Subject: A Letter in Support of Fitzgerald's Restaurant

Mr. Kingstrom,

As a concerned citizen of the Copper Country and a supporter of Fitzgerald's Restaurant in Eagle River, I'm writing today in support of their efforts to put a small addition on their building that has served as a staple of the community for over 20 years.

While I don't expect special favors or handouts from a governmental organization, the expectation is that a government entity should in good faith do what they can to support the very few businesses that exist in the county. Everyone appreciates the beauty of Keweenaw county, and the road commission only stands to benefit from the money that the restaurant brings in.

I urge you to provide an opportunity for good-faith negotiations to work toward a solution that's amicable to both parties and the citizens of Keweenaw County.

Thank you,
Abby Fenton

Greg Kingstrom

From: Justin Planasch <jplanasch@gmail.com>
Sent: Wednesday, May 3, 2023 9:00 PM
To: Greg Kingstrom
Subject: Fitzgerald's Smoker / ROW

Good evening-

I would like to express my firm support for the Fitzgerald's smoker addition project to move forward. I have been a supporter of their restaurant and hotel since the renovation. I have worn my Fitz t-shirt across the world- in Finland, South America and in many states across our great country. People have often asked , "where is that," and I'd like to think that my small explanation may have brought a few more new visitors to the the Keweenaw. I am a Yooper at heart, soon to be owner of property along Five Mile Point Road and I am writing to you from Texas. This just goes to show you that people from across the world love their establishment.

Now, I realize those reasons alone do not make a decision easier and I can certainly respect the friction this may have caused between 2 government entities, but I do have a unique perspective. I have 28 years of civil engineering experience building roads, bridges, airports, etc. while also having served 3 years on a Zoning Board in Massachusetts. While on the zoning board, we often times worked with citizens and business owners to find the moat applicable sections of the ordinance for their project.

This scenario immediately makes me think through some roadway treatment (traffic and snow plow friendly) options. Perhaps a sloped curb or guardrail? Just some thoughts.

At any rate, I hope this issue can be worked through without creating an economic hardship on the Fitz. For me, their establishment is a U.P. Institution and I look forward to visiting there to enjoy a brisket and a nice whiskey for many years to come.

Kind Regards,

Justin Planasch, PE, CCM
469-651-7985
Michigan Tech '95

Sent from my iPhone

Greg Kingstrom

From: Rube <brenthoven@gmail.com>
Sent: Wednesday, May 3, 2023 8:46 PM
To: Greg Kingstrom
Subject: Eagle River Inn/Fitzgerald's

Dear Sirs and Madams,

My name is Brent Powers (contact information is listed at the end of this email) and I am writing to you to give my support to what is affectionately known as "The Fitz," and their current endeavors, which has been hampered as of late.

Some friends and I happened across The Fitz in 2012, a large group from the Minneapolis area to watch Michigan Tech hockey face off against the Minnesota Golden Gophers. We wanted to tour the Keweenaw outside of Houghton, as we had been making the trip since 2006.

Once that hockey matchup ended, we started heading up to the Keweenaw in summer, because we loved the area so much. Since 2014, the hockey group has booked the whole inn, and sometimes the whole restaurant (due to the large number of the group) every year. It really is the jewel of the long weekend that we spend there.

Currently, due to the experiences and good times we've had up there, I now lead a second group from the Minneapolis area that has been heading out that way since 2021. This particular group has grown enough where we plan on booking the whole hotel, and a good portion of the restaurant, for years to come. At first, they wanted to see if the stories were true, how relaxing and beautiful it is up there. After ONE time, they were converts.

I met Mike Lamotte the first time we ever visited his inn/restaurant, and he gives his all to make the customer experience a grand one. His employees are top-notch, and an asset to Eagle River. Please find a way to let him enhance the already tremendous experience that is The Fitz.

Thank you for taking your time to read this, and while I understand if you are rather busy, any feedback would be appreciated.

Sincerely,
Brent Powers
brenthoven@gmail.com
763-639-5888

"Here lies one whose name was writ in water."

Greg Kingstrom

From: Ruth Gill <ruthphilippagill@hotmail.com>
Sent: Wednesday, May 3, 2023 8:18 PM
To: Greg Kingstrom
Subject: Fitzgerald's

Dear Mr. Kingstrom,

I am a resident of Houghton County who has been a customer at Fitzgerald's in Eagle River for many years.

It has recently been brought to my attention that the Keweenaw County Road Commission is opposing the construction of an enclosure for the smoker at Fitzgerald's. It is my understanding that the enclosure will be set back at the same distance as the public bathrooms nearby. I therefore do not understand why the location of the enclosure should be a concern.

Please revoke your opposition to this construction and allow it to go ahead. Fitzgerald's is an important local employer and generates significant tourist and local traffic to Keweenaw County, bringing much needed business to an otherwise very underserved area. Fitzgerald's deserves the support of local government, not unnecessary obstructiveness.

Please pass my sentiments on to the other members of the Keweenaw County Road Commission.

Sincerely,

Ruth Gill
Hancock, MI

Greg Kingstrom

From: Amy <alimoa887@gmail.com>
Sent: Wednesday, May 3, 2023 8:14 PM
To: Greg Kingstrom
Subject: Fitzgerald's restaurant

Good evening,

I'm writing to voice support for allowing the construction of the addition to Fitzgerald's restaurant to continue. This restaurant holds a special place in my heart and has been a vacation destination for my family for several years. I sincerely hope an amicable solution can be reached between the restaurant and the county road commission. I would think Fitzgerald's success would positively impact the entire community and their increased capacity and efficiency would add to these benefits.

Please don't allow anything personal, partisan, or political to impact this decision. If their construction was initially approved, the burden to negate that is, as it should be, quite high.

Sincerely,
Amy Eggleston

Greg Kingstrom

From: Jeff Roof <jroof65@gmail.com>
Sent: Wednesday, May 3, 2023 7:55 PM
To: Greg Kingstrom
Cc: info@fitzgeralds-mi.com
Subject: Fitzgerald's Smoker Project

Mr. Kingstrom,

I recently became aware of the situation involving the smoker project at Fitzgerald's. It is disappointing to say the least that a county commission is creating such an obstacle for one of the true treasures of the Keweenaw. My family has been visiting the Keweenaw for years and a sunset dinner at Fitzgerald's is always on the agenda. It is disgraceful that the KCRC has acted so poorly and is causing such a negative impact on one of the most successful restaurants in the Keweenaw. The KCRC should be figuring out how to assist Fitzgerald's and provide a solution seeing that KCRC seems to bear responsibility in this matter. KCRC seems to be making this a political issue, instead of serving the businesses and people of the Keweenaw as you are supposed to.

I wish I could attend the upcoming meeting in person, but living 500 miles away makes that impossible. I only hope that KCRC comes to their senses and resolves this issue to the satisfaction of Fitzgerald's and the community they serve.

Jeffrey R. Roof
661.822.8223

Greg Kingstrom

From: Amanda Davies <greenelephant_abc@yahoo.com>
Sent: Wednesday, May 3, 2023 7:46 PM
To: Greg Kingstrom
Subject: The Fitz

Hi,

As a resident of southeast Michigan who dreams of my yearly pilgrimage to the Fitz, I would like to voice my support for keeping the addition of the smoker and surrounding building where it is. While the barbecue isn't the only reason we visit the Fitz and Eagle River each year, it's an essential element of the amazing restaurant and community experience that keeps us coming back.

I hope the KCRC considers the track record that the Fitz has of building community, supporting its employees, drawing us trolls (but not too many of us) to provide important tourist dollars to the area, and actively seeking to do the right thing (in this situation and at every other opportunity).

The Fitz is an exemplar of what it means to be a small business and to take care of people, both those who work for them and those they serve. I hope the Commission considers the role of the Fitz in the community and their commitment to following the the letter of the law in the building of the smoker building.

Thank you for your consideration,

Amanda Davies

Greg Kingstrom

From: Ashley Byykkonen <ashlebyy@umich.edu>
Sent: Wednesday, May 3, 2023 7:36 PM
To: Greg Kingstrom
Subject: Concerned Citizen

To Whom it May Concern,

My name is Ashley Byykkonen. I was born and raised in the Upper Peninsula, but spent several years away going to college downstate and then beginning my work career in Chicago. I say from experience that The Fitz is one of the best things, restaurant-wise, that the Keweenaw has going for it. It is essentially the only local restaurant that brings big city culinary standards, tastes, and variety to the area. When my friends visit from other cities, the first place they want to go is The Fitz. It is so good, that even with the endless dining options in Chicago, people miss it and crave it when they're not here.

As such, I think you should be doing everything in your power to encourage and grow that business, instead of stymie it. We are lucky it exists in our area, not just because of the business it brings in and the delicious food options it provides, but because of all it does for the community. It has delivered meals on Thanksgiving, donated to the Humane Society, run a fundraiser for Gemignani's, and much more. Local politicians should not just be allowing the new smoker, but should be doing as much as they can to help this business flourish and grow.

Lastly, without getting too into politics, I tend to believe your constituents are very much the "all business is essential" and "buy local" crew. Curtailing a local business's efforts to expand because of government regulations, politics, and honestly, ego, is the very opposite of what this area believes in. I hope you rethink this choice.

Sincerely,
Ashley Byykkonen

Greg Kingstrom

From: Chad Fleming <CMFlemin@hbtbank.com>
Sent: Wednesday, May 3, 2023 4:20 PM
To: Greg Kingstrom
Subject: Fitzgeralds

Good Afternoon Mr. Kingstrom,

My name is Chad Fleming and I am a past and hopefully more current visitor to Fitzgerald's. I would like to lend my support for Mike Lamotte and his establishment, Fitzgerald's. I recently learned of the ongoing issue through social media and thought I would share my grievance through email.

It's a shame to me that this issue with the right away of a road is just NOW being brought up instead of at the appropriate time of when it was being approved for permits. Then a further shame to let a citizen continue on to nearly completion, to halt them then. That tells me this isn't about codes or procedures...it's someone's ego has been hurt and now they are going to make a business pay along with the local citizens. Please do the right thing and keep feelings out of this. Let's be sensible and work with the business owner for a solution that benefits everyone. Isn't THAT what government is SUPPOSED to do? I mean for heavens sake...your own public building is in violation of the same thing Mike is being accused of!! Ironic huh? Someone needs to step up here and be the adult in the room or the entire county is going to pay by losing revenue from a business that likely will close, lost tourism from those of us that go there to enjoy not only the scenery but a well run establishment.

I again ask for the right thing to be done. Work together, find a solution that helps everyone! Don't let feelings interfere with logic.

Sincerely,

Chad M. Fleming
Assistant Vice President
Retail Manager – War Memorial Branch



3501 W. War Memorial Dr. Peoria IL 61615
Ph: 309-662-4444 Ext 4520
Fax# 309-452-6904
cmflemin@hbtbank.com

Greg Kingstrom

From: Steven King <steve@lobcpa.com>
Sent: Wednesday, May 3, 2023 4:10 PM
To: Greg Kingstrom
Subject: Support for Fitzgerald's

Mr. Kingstrom,

I would like to voice my support for Fitzgerald's thru this Email. I have been visiting the Keweenaw and Fitzgerald's / Eagle River Inn since the early 1980's, often 6 and 7 times per year. Throughout all 4 seasons. I have personally known Mike Lamotte's parents for 40 years plus and Mike since he was a young infant. Obviously, Mike's Mother is sorely missed. I have watched the various evolutions of Fitzgerald's and admired what they have done each step of the way. Personally, I think Keweenaw County should be thrilled with the thriving business they have become along with the tax revenues generated and the jobs provided for Keweenaw County (and likely Houghton County) residents.

I was a home builder for 25 years in the suburbs of Chicago with over 500 homes built and sold during those years. I am completely familiar with the permitting process and following the procedures outlined by the various municipalities and counties where applicable. As I have followed Fitzgerald's process of building their addition and through discussions with Mike Lamotte, I don't see where proper procedures failed to be followed. The permits were issued. Site visits were made. INSPECTIONS were made as required. APPROVAL was made after inspection.

On a personal note, I'd also like to mention that while talking to Mike and touring the new addition with him (prior to the Stop Work Order), his excitement was noticeable. His pride in what he was accomplishing was equally noticeable. His dedication to continuing to provide an excellent employment opportunity for so many was commendable.

It seems to me that Keweenaw County has MAJOR culpability in this matter. It also seems as though the County's own building is similarly in violation of being located in the road easement. It would be a shame to not only severely cause hardship to Fitzgerald's by forcing the removal of the building addition and perhaps their smoker AND for the residents of Keweenaw County to lose their public restroom / changing facility at the beach. I have witnessed DOZENS and DOZENS of people utilizing the public facility on each summer trip.

It also seems to me that there should be a middle ground here which would allow both facilities to remain. I would urge you and whomever is leading this obstacle to progress, to reach a decision / compromise that would allow a business to continue to operate efficiently and profitably, which will benefit the citizens of Keweenaw County for YEARS to come.



Steve King

Controller

Main (630) 845-CPAS (2727) | Direct (630) 845-0028

514 W. State Street, Suite 202, Geneva, IL 60134

STEVE@LOBCPA.COM

[Click HERE To Send Secure Files](#)

Greg Kingstrom

From: Hannah DeVecht <hanvaldev@gmail.com>
Sent: Thursday, May 4, 2023 12:58 PM
To: Greg Kingstrom
Subject: Expressing Concerns

Hello Mr. Kingstrom,

I hope this email finds you well. I just wanted to reach out and express my concern regarding your situation with The Fitzgerald. The way this situation is being handled makes me lose a lot of faith in our road commission and our local government in general. It is my hope that you and your fellow board members can find a way, together with the team at the Fitzgerald, to come to an agreement and move beyond this pettiness.

I wish you, Richard Olson, John Karvonen, and Gary Bracco the grace and compassion necessary to move beyond this strange vendetta that is being unnecessarily funded by taxpayer dollars.

Best,
Hannah

Greg Kingstrom

From: Elizabeth Scott <elizabeth_scott@me.com>
Sent: Thursday, May 4, 2023 12:50 PM
To: Greg Kingstrom
Subject: In support of The Fitz

Dear Mr. Kingstrom,

I am writing on behalf of The Fitz, as it recently came to my attention that they are having challenges with navigating the permitting policies in Keweenaw County. The Fitz is an incredible asset to not only to the Keweenaw Peninsula, but the entire UP and beyond. In rural areas such as ours, amenities such as high quality restaurants can really make an impact in our tax revenues—not only from visitors, but from talent that is retained and attracted to the area. Coming out of the pandemic, we know now more than ever it is of critical importance that we support our local restaurants. They really do make a difference in people’s decisions on where they live and visit.

You know that small businesses have limited resources—this is not a big multinational company that can scratch this line item in their budget—these costs and investments are real. Leadership at The Fitz made these investments to support not only their business—but their employees, customers, and community. We must do everything we can to support them and come to a resolution that is mutually agreed upon, as well as take the opportunity to learn from this and improve our permitting process to make this a better experience for everyone. I am counting on you to do the right thing and support The Fitz with their project.

Thans,

e

Elizabeth Scott
elizabeth_scott@me.com

Houghton County resident and frequent diner at The Fitz

Greg Kingstrom

From: danech55@aol.com
Sent: Thursday, May 4, 2023 11:41 AM
To: Greg Kingstrom
Subject: Fitzgeralds/ May 9 meeting

Hoping for an amicable solution for the Fitz and GCRC. Mistakes may have been made, but all involved were acting in good faith at the time. Thank you, Dane Christensen, Eagle River.

Greg Kingstrom

From: Tony Phillips <tonyphillips57@yahoo.com>
Sent: Thursday, May 4, 2023 11:03 AM
To: Greg Kingstrom
Subject: The Fitz

Mr. Kingstrom,

I am e-mailing you regarding the building project involving right of way on Front Street and the Fitzgerald's building project. I am an out of townner and what Fitzgerald's is doing on a culinary level is unlike anything in the U.P. I am an avid foody and they have served probably top 5 barbecue I have had across the nation and one of the best dining experiences for my group that I have had in my life. This is the best and my favorite restaurant in the U.P. in my opinion, and the dining experience is amplified by it's unique location on lake superior.

I have only heard statements made by Fitzgeralds, but it seems the due diligence by the county is a complete embarrassment. Considering the time line and the resources a nationally known U.P. small business has put into planning and permitting only to receive a stop building a year after signatures to permission to build, there has to be some repercussion within the county. Legally, I don't know how there wouldn't be repercussion considering all of the documentation signed off on by county officials. From an outside perspective, it seems the county has ulterior motives with the location of the Fitz property by the handling of the project which would be quite unfortunate.

Please consider allowing the building project and development for the Fitz to continue as originally documented. This is an unbelievable and unique business in the U.P. that should be protected.

~Tony

Greg Kingstrom

From: Kirsten Simoni <kjsimoni@mtu.edu>
Sent: Thursday, May 4, 2023 10:37 AM
To: Greg Kingstrom
Subject: The Fitz

Mr. Kingstrom,

I am writing to let you know, that as a person whose family owns a home in Keweenaw County, that I was pretty disappointed to see the blatant hypocrisy that the Keweenaw County Road Commission is displaying in regards to the smoker enclosure project presently on hold at The Fitz in Eagle River.

It is clear that The Fitz owners educated themselves and had numerous inspections to ensure that the project was being executed in the proper way. None of the completed inspections raised concern until a now retired KCRC official decided to take an issue with the project. It is my understanding that the smoker enclosure is no closer to Front Street than the public restrooms down the street that are maintained by KCRC. To take such an issue with a business (that is good for the county) trying to expand in order to better serve not only tourism but locals, when they were clearly process oriented in each step of the project and don't appear to encroach on the road any more than KCRC property, is absurd and an abuse of power.

The upcoming KCRC Board Meeting on Tuesday could have serious ramifications for The Fitz as a business and could cause damage to the tourism that is so important to our county as well as the livelihood of the employees working within it. Please allow the business owners and the people of the county to have a voice in negotiating a reasonable solution to the concerns raised by KCRC.

Thank you for your time,
Kirsten Simoni
Mohawk, MI

Greg Kingstrom

From: Scott Wanhala <scottwanhala@gmail.com>
Sent: Thursday, May 4, 2023 2:39 PM
To: Greg Kingstrom
Subject: FITZGERALD'S AT THE KEWEENAW COUNTY ROAD COMMISSION MEETING

Afternoon Greg, please grant the permit for the Fitz to continue to operate as a must see destination in the Keweenaw for all things BBQ!

Allow them to continue use of the smoker enclosure at their place of business.

Best,
Scott Wanhala

--

Scott Wanhala
906-251-1801

Greg Kingstrom

From: Adam Griffis <apgriffis@gmail.com>
Sent: Friday, May 5, 2023 2:12 PM
To: clerk@keweenawcountymi.gov
Cc: Greg Kingstrom; codes@keweenawcountymi.gov
Subject: Front St ROW in Eagle River

Ms Carlson,
Would you please forward the following to your County Commissioners, Road Commissioners, and Planning Commissioners? If possible, before the scheduled meeting of the Road Commission on May 9th.

Thank you,
Adam

To the County Commissioners, Road Commissioners, and Planning Commissioners of Keweenaw County,

Let me first introduce myself; my name is Adam Griffis. I currently sit on 2 planning commissions in the copper country, both in Houghton County. I am also a certified Master Citizen Planner.

Today, however, I write to you as a citizen of the Keweenaw Peninsula, and as an admirer of the fabric of our communities in this remote part of the world. And I'm writing to you as I've become aware of the situation in Eagle River with Fitzgerald's Restaurant. A local, generational establishment that has contributed so much to this area over the years. At the drop of a hat, they rally the community to raise up for those who are in need. But that's not necessarily germane to what has unfolded on Front Street.

My take on this situation is there was a fundamental lack of communication and due diligence on the part of the Zoning Administrator for the County. The Zoning Ordinance clearly prescribes the process for applying for and obtaining permits for building on one's property in Keweenaw County. The Ordinance also outlines specific municipal bodies that should be consulted for the issuance of these permits. The fact that the permit was granted and construction was well underway before the Road Commissioner was aware of the location of the structure proves that the Zoning Administrator failed to follow those steps.

If this situation were to happen in one of the jurisdictions for which I serve, I would hope the Zoning Administrator would have the integrity to admit she made a fundamental error and work with the landowner and the County Commission to find a solution that would not harm the innocent party. So far, none of that seems to have happened and the Road Commission has taken it upon themselves to punish the land owner for the Zoning Administrators failure to execute their duties.

After a quick google search I was able to find multiple cases exactly like this that have been litigated as high as the Supreme Court of Michigan. All of which were decided in favor of the landowner as they followed the letter of the law set out by the municipality.

I sincerely hope this issue can move swiftly away from both the courts of the land, and of public opinion, in a way that is least detrimental to everyone involved. Logistically it seems the County's main concern is snow removal. This structure has stood now, non-conforming, for one full winter and the county was able to navigate the street with plows, and there's yet to be any issue with the flow of traffic. To me, this seems to be a great learning opportunity for the administrators and elected officials of the county to revisit and revise their process of reviewing and granting permits, as well as a clear case for granting the landowner a variance to remedy the Zoning Administrators failure to execute their duties.

Best,
Adam Griffis

Greg Kingstrom

From: Michelle Lehman <lehmanmichelle@ymail.com>
Sent: Sunday, May 7, 2023 9:56 PM
To: Greg Kingstrom
Subject: Fitzgerald Right of Way Infringement

Dear Mr. Kingstrom,

I am writing this email on behalf of Mike LaMotte and the Eagle River Inn/Fitzgerald's Restaurant. At this time, it is only business and/or residence located along Front Street. The Eagle River Inn has been located and operating in its present location since 1957 with little or no conflict of interest. The LaMotte family as worked hard to nurture tourism, while balancing respect for culture and community.

As the daughter of a retired Michigan County Engineer, I understand and respect the need for the county to be able to maintain safe roadway access, water and sewer maintenance, electrical and telecommunications needs, and even sidewalks. However, this is Front Street, Eagle River, MI with only beach parking and one business accessing the right of way in question. It seems to me that this dispute originates not with the business in question, but with the permit issuer who originally signed off on the permits and assured the owners that "there was plenty of room" to work with.

If there is indeed an infringement on the right of way, rather than punishing the business owner, who has historically worked in cooperative effort with governing bodies, the fair and just course of action would be to review building permit and advisory guidelines. Establish where the breakdown in communication occurred and correct it to ensure that similar mistakes do not occur in the future, but do not cause a financial hardship on a business that has contributed to the positive county welfare for decades. Work to find a equitable solution.

Most Sincerely Yours,

Michelle Lehman-Hayes
Appleton, WI
Eagle Harbor, MI

Greg Kingstrom

From: Douglas Craig <douglasbcraig@gmail.com>
Sent: Sunday, May 7, 2023 4:55 PM
To: Greg Kingstrom
Subject: Public Comment: Fitzgerald's ROW Encroachment

Keweenaw County Road Commission
c/o Greg R. Kingstrom

I am writing regarding an issue that I believe will be before you at your next meeting: Fitzgerald's Hotel & Restaurant ROW encroachment. Briefly, I wanted to express my hope that the Commission and Mike LaMotte, owner of Fitzgerald's, can resolve this issue to everyone's satisfaction. We have been traveling to the Keweenaw for nearly 40 years. For the last 30+ we have stayed every year at Fitzgerald's. We've known Mike from the time he was a boy running around with a "pet" wolf. He has grown into one of the finest people we have ever met. His compassion for friends, family, co-workers and community is truly something to be admired. Though we live 500 miles away we have given to Keweenaw animal shelters, businesses recovering from fire, and families in need because *he* has made organizing and giving back to his community integral to the business he runs. I have no doubt his building expansion to Fitzgerald's has been handled with the utmost integrity and attention to detail. I hope all involved will do likewise in seeking to resolve this situation so that all may continue to benefit from a successful business and true gift to your community.

Looking forward to our next visit to the Keweenaw and
With kindest regards,
Doug & Freida Craig

3180 S Sashabaw Road
Oxford, MI 48371
248-736-3707

Greg Kingstrom

From: Faye McMahon <fhayward13@gmail.com>
Sent: Sunday, May 7, 2023 12:09 PM
To: Greg Kingstrom
Subject: Support for Eagle River Fitzgerald

Attn: Keweenaw County Road Commission
Re: Support for Eagle River Fitzgerald

It appears that Mike LaMotte, owner of the Eagle River Fitzgerald followed guidelines and procured all permits needed for construction of this facility. Obviously, the inspections were made on the construction process (plumbing, electrical, footings and beyond). And obviously, there was a construction plan submitted before all of this. Knowing permits and inspections were issued there should be no question about Mike at the Fitzgerald's building process. Precedence has been set for the last 15 plus years, including the past winter that this building site has never been an issue with the Keweenaw County Road Commission. This issue should never have arisen. Our personal opinion is that the facts are obvious, and you are opening up the Keweenaw Road Commission and Keweenaw County Zoning Authority to a major lawsuit. If the construction permits were flawed, this should have been rectified at that time, not after the project is almost completed. At great cost to Mike LaMotte.

The uniqueness of this facility on the beach is vital to our local economy and employment. To avoid complications to Mike at the Fitzgerald, we fully support the construction project as was issued.

Sincerely,
Mike & Faye McMahon
Residents of Houghton Twp.

Greg Kingstrom

From: Mike Behm <mfbehm@gmail.com>
Sent: Sunday, May 7, 2023 12:52 AM
To: Greg Kingstrom
Subject: County Road Commission Intervention - Fitzgerald's Expansion

Hello Greg,

I'm writing this email in support of the Fitzgerald's project and to express frustration in the handling of this situation, in hopes of swift and fair resolution.

As a Tech grad, I've made plenty of return trips to the UP during various seasons. Fitzgerald's is one of my all-time favorites. Owning and running a restaurant is already so difficult. Dealing with issues like this only serves to make it more impossible for them, and reduces the likelihood of them surviving and continuing to offer a welcome place to eat and rest in the Keweenaw.

I certainly hope the county and local officials do everything in their power to do the right thing and support such important (and rare) local businesses.

Sincerely,

Mike Behm

Greg Kingstrom

From: Mark Nesbitt <mdnproperties@comcast.net>
Sent: Friday, May 5, 2023 2:49 PM
To: Greg Kingstrom
Subject: Fitzgerald's Smoker Project

Dear Mr. Kingstrom,

I heard recently that Fitzgerald's Restaurant was forced to stop work on their smoker project. Even though the plans and permits had already been approved by appropriate agencies. It doesn't seem right after all they have invested to stop them this late in the process.

My family and I have been coming to Fitzgerald's and the Keweenaw for nearly 25 years now. When we bring friends and family up, we always make it a point to go to Fitzgerald's. They have a reputation for great food and a very unique atmosphere on the lake. I couldn't imagine a Keweenaw without it. Please support this critical business of the area. I hope you and your board will give them the approvals they need to move forward. Thank you.

Sincerely,

Deb Nesbitt

Greg Kingstrom

From: Carolyn Roberts <robertstrip3@yahoo.com>
Sent: Thursday, May 4, 2023 10:28 PM
To: Greg Kingstrom
Subject: Fitzgerald

Good Evening,

As a Houghton native I am reaching out to communicate my support for the Fitzgerald and the current work on their addition.

This restaurant is an asset to the area and a beautiful landmark. We need businesses and restaurants like the Fitz in the Keweenaw.

Please give them a fair shot and support them in this endeavor.

Sincerely,
Carolyn Roberts

Sent from my iPhone

Greg Kingstrom

From: Pete Fenton <pfenton@mcgannbuildingsupply.com>
Sent: Thursday, May 4, 2023 6:30 PM
To: Greg Kingstrom
Subject: Fitzgerald's

Greg,
I am writing this letter in support of the Fitz and the addition to their building. I have been in this industry for 30+ years and I find this situation odd. I'm sure I do not know all the facts that have led up to point, but I am hoping that a mutually acceptable result can be reached. Fitzgerald's is an important part of the Eagle River Community and the Keweenaw and I applaud their effort to invest in the community.

Thanks,

Pete Fenton

612 Hancock St.
Hancock, MI 49930
906 482-4340 office
906 482-3560 fax
906 370-4345 cell
www.mcgannbuildingsupply.com
pfenton@mcgannbuildingsupply.com



Greg Kingstrom

From: David Larson <david.layton.larson@gmail.com>
Sent: Thursday, May 4, 2023 3:48 PM
To: Greg Kingstrom
Cc: info@fitzgeralds-mi.com
Subject: Front Street Dilemma

Dear Mr. Kingstrom,

I am reaching out today regarding the current disputed location of the smoker at the Fitzgerald's restaurant. Like many individuals that grew up on the Keweenaw Peninsula and left, my family and I enjoy coming back 'home' to enjoy the company of friends/family and partake in tastes from home.

The Fitzgerald Restaurant is not only a location to enjoy food and drinks, it is an unofficial meeting location of a few generations that comes back home to visit. Mike has built up this business to expand beyond a meeting place for long time friends to meet. Mike is dedicated to his business and is providing something that doesn't exist anywhere else in Keweenaw county (or Houghton county for that matter), quality BBQ.

In 2021 alone, Keweenaw County had a \$25 million increase in tourism income. Part of that \$25 million was people driving to Eagle River specifically for the BBQ at The Fitz. The Keweenaw is an outdoor playground and people need to eat after they play. There aren't many restaurant options in Keweenaw County and that also reduces the amount of jobs available as well.

The Fitz provides a livelihood for many local residents. I ask you to please assist with the resolution of this issue regarding the location of the smoker, in the Fitzgerald's Restaurant favor, out of fear this could jeopardize local jobs and a local business.

I thank you for your time and I hope you have a wonderful afternoon.

Best Regards,

David Larson

Greg Kingstrom

From: karen blanco <karenvll@gmail.com>
Sent: Thursday, May 4, 2023 4:08 PM
To: Greg Kingstrom
Subject: Please Allow the Fitzgerald to Continue Expansion Construction

Hello,

I am writing because I am very alarmed that the Fitzgerald Inn & Restaurant is likely to lose their significant investment in our community, which would be disastrous for the Keweenaw. The Fitzgerald has complied with all permitting requirements and workflows, making sure to have everything correctly submitted so that the tens of thousands of dollars they are pouring into their critical expansion does not go to waste. By killing this project through the halt on construction, the County is endangering this significant business that currently employs over 20 locals, in a place where solid employment is incredibly difficult to come by. It's also a major driver for economic development as many people come to The Fitzgerald and then spend money at other local businesses. Killing their expansion would create a ripple effect in depressing the local economy and signaling to other businesses that the Keweenaw County Road Commission is acting arbitrarily and capriciously with regards to their permitting decisions. Essentially it would be hanging a big "Do Not Do Business Here" sign on the County.

Please, consider the ramifications of this action and allow them to continue with the already approved, by your Commission, expansion activities that will guarantee the jobs of over 20 of your neighbors and community members, and by extension, the economic outlook for the County as a whole.

Thank you for your consideration,

Karen Blanco
13189 Saari Rd.
L'Anse, MI 49946

Greg Kingstrom

From: supershooter2@comcast.net
Sent: Monday, May 8, 2023 12:07 PM
To: Greg Kingstrom
Subject: Fitzgerald Restaurant

Hello,

I am contacting you to express support for KCRC to be open for good faith negotiations with the Fitzgerald Restaurant to find a solution concerning the Fitz new addition that is amicable to both parties and the citizens of Keweenaw County. The Fitzgerald Restaurant owners and employees are strong supporters of the community and provide a unique product for the area to enjoy. Just speaking directly with the Fitz can help clear the air for both parties. It is understood it is critical for KCRC to serve all people of the county safely. Looking forward to learn the results of the negotiations.

Make today the best day of your life!

John Erickson

952-270-5084

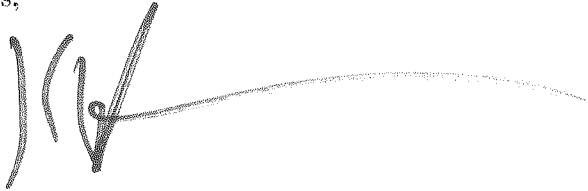
May 4, 2023

To Whom it May Concern at Keweenaw County Road Commission:

I am writing to suggest that you work proactively towards an amicable solution with Fitzgerald's restaurant. From reviewing the information it appears that they have been forthright with regard to their application and expected no issues. The traffic volume on the road at the business is extremely light and generally related only to the business and adjacent park/beach. It does not seem that their location creates an issue with an objective, open analysis of the risks.

As a significant tourism draw, employer and economic driver in our community we need them to be able to operate. We can and should work together to promote the economy that drives our area and allow a private business and property owner to reasonably conduct their business. Please work with them as they make our area a better place to live, work and vacation. We as a community in the Keweenaw are stronger united than divided.

Thanks,

A handwritten signature in black ink, consisting of a stylized 'M' followed by a long horizontal flourish.

received
1241 5/8/23

May 4, 2023

Dear Keweenaw County Road Commission,

Please find a way to work with Fitzgerald's Restaurant and Bar in Eagle River, MI. It's an asset to the community and an economic driver in Keweenaw County. In many of our towns we have homes and businesses up close and personal to the highways and we navigate these issues with ease. Eagle River doesn't see nearly as much snow as Mohawk or Kearsarge, so you are picking battles where battles don't need to be picked. If we could put politics aside and work with a thriving business in our community we can continue down a road of progress, not division.

Thank you for your time on this pressing matter.

Sincerely,

A handwritten signature in black ink, consisting of a stylized 'V' or 'W' shape followed by a long horizontal line that tapers to the right.

received
12:38 5/8/23

Shane and Lynette Clontz
4477 Bissell Road
Springfield, IL 62707
(608) 215-9503
srclontz@gmail.com

Thursday, May 4, 2023

Keweenaw County Road Commission
1916 Fourth Street
P.O. Box 379
Mohawk, MI 49950

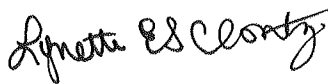
Dear Members of the Keweenaw County Road Commission,

Keweenaw County is one of our favorite places in the world, it's where we choose make the 9+ hour drive from the middle of Illinois on two separate vacations in the past 12 months, one in July and the other in February. Small businesses and the lack of chain restaurants and hotels are a part of that. We were also impressed with how well the roads are maintained and how well snow removal is handed.

While there are a lot of great small businesses in the county, the Fitzgerald's in Eagle River is an absolute standout and one of our favorite places to stay and to eat in Keweenaw County. It why we are writing in support of their efforts to expand and improve their business and why we were upset to learn about the struggles this important small business and employer was having with their construction project.

In addition to allowing Fitzgerald's to proceed with their project, we also urge you to work with the Zoning office to ensure that issues like this do not occur in the future. We urge you to find a fair and equitable solution that specifically addresses the approval Fitzgerald's received for the addition to their business, the months of construction that continued after various stages of approval without any indication of an issue, as well as the similar distance that the public restrooms are from the centerline of Front Street.

Sincerely,



Shane and Lynette Clontz



Jeff Russell
51528 S Big Traverse Rd
Torch Lake Twp, MI
May 4, 2023

Keweenaw County Road Commission
Richard Olson Chairman
PO Box 379
1916 Fourth St
Mohawk, MI 49950

Dear Keweenaw County Road Commission:

It has come to my attention the stop work order on a renovation project at the Fitzgerald Restaurant in Eagle River remains in place. After reviewing information regarding already approved permits and inspections, I support the stop work order being lifted and the project allowed to continue to completion.

Fitzgerald's is an excellent business that I have frequented for over 40 years. They are a cornerstone of what brings visitors to our Keweenaw peninsula. I have owned property on Big Traverse for over 20 years.

Please do the right thing for the county, its residents, the businesses that work there and work with them to bring this problem to a resolution. Thank you for your time and attention to this issue.

Sincerely,



Jeff Russell

received
12:42 5/8/23

Greg Kingstrom

From: Rick Elsner <rjelsner410@gmail.com>
Sent: Monday, May 8, 2023 1:16 PM
To: Greg Kingstrom
Subject: Fitzgerald Restaurant

Hello,

I am contacting you to express support for KCRC to be open for good faith negotiations with the Fitzgerald Restaurant to find a solution concerning the Fitz new addition that is amicable to both parties and the citizens of Keweenaw County. The Fitzgerald Restaurant owners and employees are strong supporters of the community and provide a unique product for the area to enjoy. Just speaking directly with the Fitz can help clear the air for both parties. It is understood it is critical for KCRC to serve all people of the county safely. Looking forward to learning the results of the negotiations.

Thanks

Rick Elsner

763-233-9638

Greg Kingstrom

From: Julie Fenton <jakfenton67@gmail.com>
Sent: Monday, May 8, 2023 5:12 PM
To: Greg Kingstrom
Subject: A Letter in Support of Fitzgerald's Restaurant

Mr. Kingstrom,

As generational citizens of the Copper Country, we've appreciated the gifts of the Keweenaw Peninsula our whole lives. We value and enjoy a variety of outdoor activities including camping, biking, sightseeing, and hiking. Fitzgerald's has always been included as a welcome destination for our Keweenaw adventures. It was disheartening to hear of the difficulty between such an icon of the community as Fitzgerald's and the local county road commission. We've always thought Copper Country Yoopers would find ways to help each other despite our differences. Surely there is an amicable solution that would satisfy all involved. We urge you to negotiate fairly with Fitzgerald's in good faith so they can continue to operate effectively.

Respectfully submitted,
Jim and Julie Fenton

5/6/2023

Geri & Rick Mason
Keweenaw cabin and land owners
Bootjack Rd.
Lake Linden, MI.

Keweenaw County Road Commission
1916 Fourth street
Mohawk, MI 49950

Dear Road Commission,

It has come to our attention that Fitzgerald's Restaurant in Eagle River, MI. is having an issue with the location of the "Smoker House" in regards to the setback from the road.

We are in support of a safe and expedient approval for the Fitz to proceed. We visited the restaurant Thursday May 4th and visually reviewed the placement in comparison to houses along the road in question and the placement of the beach bathroom/outhouse next to the Fitz Restaurant- all of which appear to be as close or closer to the center of road or the edge of the road. In no way do we know your job and responsibility but ask that the board work to find a viable solution to enable this great business and employer of over 20 people to proceed.

Thank you for your consideration and we pray and hope for a good resolution for all parties. Fitzgerald's is a treasure for the Keweenaw and the UP.

Sincerely,

Geri & Rick Mason
Keweenaw cabin and land owners

CC: Mr. Mike LaMotte info@fitzgeralds-mi.com

Mr. Greg Kingstrom Kingstrom@keweenawroads.com

May 6, 2023
Keweenaw County Road Commission
1916 Fourth Street
P.O. Box 379
Mohawk, Michigan 49950
Email: gregg@keweenawroads.com
inquiries@keweenawcountyonline.org

Re: Fitzgerald's
Eagle River Michigan

Dear Commissioners:

We are writing to express our support for Fitzgerald's in Eagle River, and to encourage the Commission to arrive at a resolution that is in the best interests of both the public and Fitzgerald, and not place undue hardship on either.

We are not residents of Keweenaw County, but began visiting frequently when our daughter began attending Michigan Tech. We continue to visit years after she finished, mainly to stay at Fitzgerald's. We trust you agree that it is a unique and special place. It also provides community support and significant and growing economic development activity in this scenic area, including 20+ jobs.

As a practicing Civil Engineer (PE-Illinois), I have often become involved in situations where conditions on the ground don't align neatly with standards, and engineering judgement must be applied to ensure that public safety is not compromised, but undue hardship is not placed on those who have acted innocently and without malice. We trust the Commission will arrive at just such a resolution.

Respectfully


Barbara and Neil Parikh

9450 Latrobe
Skokie Illinois 60077

Greg Kingstrom

From: Tberickson <tberickson@comcast.net>
Sent: Monday, May 8, 2023 1:39 PM
To: Supershooter2
Cc: Greg Kingstrom
Subject: Fitzgerald Restaurant

Hello,

I am contacting you to express support for KCRC to be open for good faith negotiations with the Fitzgerald Restaurant to find a solution concerning the Fitz new addition that is amicable to both parties and the citizens of Keweenaw County. The Fitzgerald Restaurant owners and employees are strong supporters of the community and provide a unique product for the area to enjoy. Just speaking directly with the Fitz can help clear the air for both parties. It is understood it is critical for KCRC to serve all people of the county safely. Looking forward to learn the results of the negotiations. Thank you!

Tonia Erickson

952-270-6239

Greg Kingstrom

From: Rick Elsner <rjelsner410@gmail.com>
Sent: Monday, May 8, 2023 1:16 PM
To: Greg Kingstrom
Subject: Fitzgerald Restaurant

Hello,

I am contacting you to express support for KCRC to be open for good faith negotiations with the Fitzgerald Restaurant to find a solution concerning the Fitz new addition that is amicable to both parties and the citizens of Keweenaw County. The Fitzgerald Restaurant owners and employees are strong supporters of the community and provide a unique product for the area to enjoy. Just speaking directly with the Fitz can help clear the air for both parties. It is understood it is critical for KCRC to serve all people of the county safely. Looking forward to learning the results of the negotiations.

Thanks

Rick Elsner

763-233-9638

Greg Kingstrom

From: supershooter2@comcast.net
Sent: Monday, May 8, 2023 12:07 PM
To: Greg Kingstrom
Subject: Fitzgerald Restaurant

Hello,

I am contacting you to express support for KCRC to be open for good faith negotiations with the Fitzgerald Restaurant to find a solution concerning the Fitz new addition that is amicable to both parties and the citizens of Keweenaw County. The Fitzgerald Restaurant owners and employees are strong supporters of the community and provide a unique product for the area to enjoy. Just speaking directly with the Fitz can help clear the air for both parties. It is understood it is critical for KCRC to serve all people of the county safely. Looking forward to learn the results of the negotiations.

Make today the best day of your life!

John Erickson

952-270-5084

Greg Kingstrom

From: Carl Craven <ccraven@allegiscorp.com>
Sent: Wednesday, May 3, 2023 8:16 PM
To: Greg Kingstrom
Subject: Fitzgerald issues

Mr. Kingstrom

As a property owner in Eagle River, I urge you to find a sensible and rapid solution to the set back issue you've created with The Fitzgerald Restaurant. There are always two sides to the story, but it appears as if the county is being petty and unjust in its refusal to work out a solution.

Regards,

Carl Craven

5487 Lakeshore Dr.

Sent from my iPhone

Greg Kingstrom

From: David Simoni <dsimoni63@gmail.com>
Sent: Thursday, May 4, 2023 2:08 PM
To: Greg Kingstrom
Subject: The Fitz

Mr. Kingstrom,

I'd appreciate you also sharing this with Mr. Olson and Mr. Karvonen.

I have two properties in Mohawk, and enjoy having dinner and drinks at the Fitz in Eagle River. I recognize the need to provide adequate space for snow removal, but it appears as if the owners are being treated unfairly. The road encroachment is not more than what has always been acceptable. Being on the Beach provides more than adequate room for the snow-go to throw its snow. If the beach rest room is OK, what is different in this case?

Building construction codes and enforcement are managed by the county, and the various permitting departments provide that service. This also includes any potential variances should one be requested and approved.

If the Road Commission has a beef with the county's permitting and approval process, shouldn't they be addressing that issue internally? How can a tax-paying business be responsible for addressing county intra-departmental disagreements? If construction approval permits are provided following the proper process, it should be clear that the Fitz should be free to continue as planned and permitted. We need to retain successful businesses in Keweenaw County, not drive them away.

I request that during the upcoming Commission Board meeting, the KCRC approve a motion to allow The Fitz to continue with their business enhancement without further interference.

Respectfully,

David Simoni

1030 Ahmeek St. & 59 Mohawk Ave.

Mohawk, MI. 49950

dsimoni63@gmail.com

Greg Kingstrom

From: John Colasanti <john.colasanti@rocketmail.com>
Sent: Thursday, May 4, 2023 8:49 AM
To: Greg Kingstrom
Cc: info@fitzgeralds-mi.com
Subject: Fitzgerald's Smoker Enclosure

Greg, I'm writing to show my support for Fitzgerald's smoker enclosure project. As a 20-year property owner (and tax payer) in Eagle River, it's been impressive and inspiring to witness the restaurant's respectful and thoughtful operation and growth.

I clearly don't know all of the facts, but from the measured, detailed summary of the situation provided by Fitzgerald's it sounds like the KCRC reversed its initial decision to approve the construction project, leaving the restaurant in a difficult position.

Fitzgerald's is a pillar of the community and we're fortunate to have it in town. Unless there is a genuine reason to prohibit the smoker enclosure, please allow its construction. If there is logical rationale, it would be helpful for the KCRC to publicly state its POV in a manner as thorough as Fitzgerald's.

Thank you for your consideration.

John Colasanti

Greg Kingstrom

From: Karen Rozumalski <ksrozumalski@gmail.com>
Sent: Friday, May 5, 2023 11:02 AM
To: Greg Kingstrom
Subject: Support for Fitzgerald's Restaurant Project

Dear Sir,

It has recently come to my attention that there is a meeting scheduled for next week to make a decision on how to proceed with this issue.

I want to clearly state, as a Keweenaw County tax payer, that I support a variance to allow the construction project at Fitzgeralds to proceed unencumbered.

I understand that Fitzgeralds has operated in good faith, securing all necessary permits and passing all inspections. It is extraordinary to think that after making such significant expenditures for a small business trying to do the right thing, that government would undermine their efforts.

This small business serves as an economic engine in Eagle River and is a magnet for tourism.

I encourage you and your board members to set aside any concerns and allow a variance for this work to proceed unencumbered.

Regards,

Gary and Karen Rozumalski
12958 M26
Eagle Harbor, MI

Greg Kingstrom

From: Cynthia Selfe <cynthiaselfe@gmail.com>
Sent: Thursday, May 4, 2023 4:22 PM
To: Greg Kingstrom

Mr. Kingstrom—

I write to encourage the KCRC's attention to the right-of-way dispute involving the Fitzgerald's restaurant in Eagle River. I am a resident of the Keweenaw and live in Eagle Harbor Township, Keweenaw County.

I am concerned that the KCRC has waited until an inappropriately advanced stage of the Fitzgerald's new building project to raise questions about right-of-way issues. These issues were not raised—or more importantly, addressed—during the planning stages of the project, when they could have been better, and less expensively, remedied. I am also dismayed that the KCRC does not/did not seem to be willing to work with the Fitzgerald's owners to negotiate a reasonable solution to these issues that will not be so inappropriately costly that it becomes impossible for the restaurant to bear.

The Fitzgerald's services to this community are many, as are its contributions to the lifestyle of Keweenaw residents. It would be a governmental misstep, a cultural shame, and an economic wrongdoing if this restaurant were forced to close its doors due to these issues. Please work with the owners of this valued restaurant to negotiate an appropriate solution that will not be financially punitive.

Cynthia Selfe

--

Cynthia L. Selfe
12982 Frimodig Rd.
Mohawk, MI 49950
Email: cynthiaselfe@gmail.com
Telephone: (614) 546-6855

Greg Kingstrom

From: Jake Manchester <JAKEMANCHESTER@YAHOO.COM>
Sent: Thursday, May 4, 2023 3:17 PM
To: Greg Kingstrom
Cc: info@fitzgeralds-mi.com
Subject: A note of support for Fitzgerald's Hotel & Restaurant

Mr. Greg R. Kingstrom
Engineer/Manager
Keweenaw County Road Commission

Dear Mr. Kingstrom:

I was dismayed to learn of the ongoing situation in what seems to be a communication breakdown between Fitzgerald's Hotel & Restaurant and the KCRC.

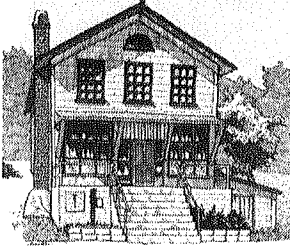
My family camp is just north of Eagle River and we are regular patrons of "The Fitz" and other local businesses. From what I can gather, the owners have acted in good faith to pull the proper permits for their project and consult with local officials who advised them to proceed.

Surely there is a workable solution that will accommodate the needs of KCRC without placing an undue burden on small businesses such as Fitzgerald's. I urge you and your colleagues to work towards such an amicable solution.

Sincerely,

Jacob Manchester

Eagle Harbor
General Store Museum



181 W. North
Eagle Harbor, MI 49950
www.eagleharborgeneralstoremuseum.org
info@eagleharborgeneralstoremuseum.org

Keweenaw County Road Commission
1916 Fourth Street
P.O. Box 379
Mohawk, Michigan 49950

Commissioners:

The Eagle Harbor General Store Museum would appreciate proper permission be given to Fitzgerald's Restaurant to continue and finish work on their expansion and construction of their BBQ facilities in Eagle River.

Fitzgerald's has been a positive member of this community for many years. Their contributions and support has been invaluable to this area. Undo hardships and problems for their permits and denying the right to continue and finish what they started casts negative impressions on the county and the Road Commission.

Please let them continue their project and be a part of this amazing county.

Thank you for your attention to this matter.

Sincerely,

Robert Ziebell
President
Eagle Harbor General Store Museum



Greg Kingstrom

From: Gary Bays <garybays9@gmail.com>
Sent: Monday, May 8, 2023 8:57 PM
To: Greg Kingstrom
Subject: Fitz standing

Greg

I know you will be discussing the case of the stop work order at the Fitz tomorrow, and I'd like to add one more voice to the mix. I was surprised to hear the issue had not been resolved after *months* of delay. I needn't replay all the details as you know them full well. Let me add two points.

1) The Fitzgerald Restaurant is a source of great pride in the Keweenaw. Their reputation has been built over years of honest, diligent work. The owner and the staff have done everything to make the restaurant a renowned location in the Midwest, and they've done so with very limited space. It's hard to believe that their success and growth might be limited by an honest error involving *a few feet*. Given that there was no intent to alter the original plans that were approved and permitted, it seems within reason to provide an exception to this design and let the work resume.

2) The KCRC has always acted with great dispatch when issues like flooding, downed trees, plowing and other tasks need immediate attention. I can't for the life of me understand why this approval has been delayed for so long over such a minor discrepancy, but it is very much *out of character* for the KCRC, a group that has always worked just as diligently on behalf of the Keweenaw and its citizens. I would ask that you do so in this case and let the restaurant complete the work.

Good luck with your deliberations. I hope to see the construction completed in the coming weeks when I arrive for the summer.

Thank you for your consideration.

Gary Bays
7475 Maple Street
Eagle River, MI 49950

Greg Kingstrom

From: Andrew Whitman <whitmanandrewj@gmail.com>
Sent: Monday, May 8, 2023 5:14 PM
To: Greg Kingstrom
Subject: Fitzgerald addition

To all concerned parties of Keweenaw County,

As a Keweenaw County resident for nearly 6 years, a property owner here for almost 10 years, and a patron of the Eagle River Inn for even longer, I ask you to fully and fairly consider the matter of the business addition by Fitzgerald's Restaurant as a thoughtfully and well planned process that properly followed the steps and procedures outlined and approved by Keweenaw County, it's representatives, and it's departments. Please allow the addition at Fitzgerald's to proceed unimpeded for the betterment of the establishment, its employees and customers, the strength of our community, and the local economy. Thank you for your time and consideration.

Sincerely,
Andrew Whitman

Andy Whitman
608 712-9917

Greg Kingstrom

From: Kerrie Richert <kerrie.richert@gmail.com>
Sent: Tuesday, May 9, 2023 8:08 AM
To: Greg Kingstrom
Subject: Fitzgerald's

Good morning,

I understand that at today's scheduled meeting one of the topics will be Fitzgerald's restaurant expansion.

I am hoping that an amicable decision between Fitzgerald's and KCRC can be reached.

I do not know all of the facts but if there was an issue with the road right of way I don't understand how a concrete slab, building structure and roof and delivery of equipment could occur before the Road Commission put a stop work order in force.

I believe that KCRC has the ability to allow variances to its policies and enforcement.

I would urge them to take that action in this case.

Kerrie Richert
Eagle Harbor Homeowner

Greg Kingstrom

From: Melissa Schneiderhan <mschneid@theleosbuilding.com>
Sent: Tuesday, May 9, 2023 9:18 AM
To: Greg Kingstrom
Subject: Fitzgerald's

Good morning,

I would be remiss if I let today pass without voicing my support for Mike LaMotte and his building project at Fitzgerald's. I have worked for Mike at Fitzgerald's since 2017, and feel confident in my opinion of his character. He is an extremely hardworking, conscientious, generous man--the kind of young person we want to retain in our community, to support and encourage.

For the past three years, Mike has met many potentially devastating challenges, and has kept the ship of Fitzgerald's afloat. He is forward-thinking and adaptive, and it was in that vein of thinking he started this building project in the first place. He is doing something that is not common in the hospitality industry. He is building a business with and for full-time staff that spend part or all of their careers within his business. The Project is a piece of critical infrastructure that will help move his vision forward.

I have worked in a lot of restaurants over the years, not to mention twenty years as an elementary school teacher in a local district, and I have never seen a head of company care so deeply for his employees, and so generously.

I hope you and the other commission members will seriously consider working with Mike on a mutually agreeable solution to this very unfortunate situation.

Sincerely,

Melissa Schneiderhan

Jeremy P. Bos, PhD, P.E.
5911 5 Mile Point Rd
Allouez, MI 49805
(906)370-4180
jeremybos@gmail.com

May 8, 2023

To: Keweenaw County Road Commission
CC: Keweenaw County Board of Commissioners

RE: Support of Fitzgerald's Restaurant, Eagle River, MI

To the elected and appointed members of Keweenaw County,

I am writing this letter as a member of the community, Keweenaw County resident, voter, property owner and taxpayer. I, along with many others, have watched with a mixture of confusion and disappointment as the elected officials of this community have failed to address the issue of the Fitzgerald's halted business expansion along Front Street in Eagle River. By all public accounts this was an issue of created by the county's own lack of due diligence. I don't think this is a fact in dispute. Confounding matters appears to be an issue of selective enforcement: KCRC's claim is also in conflict with their own previous and current practice regarding snow removal on Front Street. Again, that a quick resolution has not been forthcoming is perplexing.

As a voter and taxpayer, it is also difficult to see an enforced resolution to this situation that will be successful for the County or the Road Commission. In similar situations, here in the Keweenaw and elsewhere, it is nearly unheard of that a business has been required to tear down work approved in this manner. All that is certain is that both sides will spend heavily on legal representation. Again, it seems like mediation here **between the County and the Road Commission** will result in the best outcome for our local business owner and the residents of Keweenaw County. I urge both parties to come to an agreement that will allow for the expansion to move forward following any of the avenues offered by Mr. LaMotte and his attorney.

I would like to reiterate that I view failure to resolve this issue with Fitzgerald's a gross misuse taxpayer resources. It also speaks to a level of disfunction in our county government. Specifically, that the county, who approved the plans, could not work with the road commission to resolve any discrepancy without negatively impacting a local business. Effective governance is the responsibility of **all** the elected official in the county. If the KCRC and County do not begin work to immediately resolve this issue at the May 9, 2023 meeting I will believe an effort to **recall all elected county officials in Keweenaw County is warranted**. Please, that I and

many others must write letters like this reflects poorly on our wonderful home. I urge you again show leadership and work toward a swift, immediate, and amicable resolution to this matter.

Sincerely,

Jeremy P. Bos, PhD. P.E.

Greg Kingstrom

From: Jenny Hagerty <email@jennyhagerty.com>
Sent: Monday, May 8, 2023 9:29 AM
To: Greg Kingstrom
Cc: info@fitzgeralds-mi.com
Subject: Support for The Fitz

Attn: Greg R. Kingstrom, Richard Olson, John Karvonen, Gary Bracco

Dear Sirs,

One of the things that makes the Keweenaw a treasure is the balance that has been struck between the natural beauty of the area and the small businesses that draw in visitors. It is sad to see so many small towns across America being lost as large retailers take over and small businesses are forced to close. The Keweenaw has thus far been able to avoid that trend by banding together as a community to protect what makes the Keweenaw so special.

The Fitz is a prime example of exactly the type of business that draws in tourists and locals alike. Not just for the food and ambience of the restaurant itself, but also because the owner and employees truly care about the community that they live and work in. It would be a shame to allow local politics to interfere with a business that has brought so much to the community, and it would be sad to see the commissioners of Eagle River allow this to happen. This isn't a rogue business that is trying to do things in an underhanded way, nor are they looking for permission to grossly expand their footprint. If anything, it could be argued that enclosing their smoker improves not only the esthetics of the area, but enables them to continue to serve the community in fun and unique ways.

I understand that there may be some concerns to be addressed, but I trust that you are willing to find a compromise that is beneficial for all parties. I certainly hope so as I will be retiring to become a full-time member of the Keweenaw community in a few years and I am hopeful that I will be able to continue to enjoy The Fitz and other local business when I live there full time.

Thank you for your consideration,

Jenny Hagerty

1539 63rd Street
Somerset, WI

14554 Mountain View Trail
Copper Harbor, MI

email@jennyhagerty.com

Greg Kingstrom

From: Staci Gibson <grocerygal39@gmail.com>
Sent: Tuesday, May 9, 2023 12:26 PM
To: Greg Kingstrom
Subject: Fitzgeralds

To Whom it May Concern

I recently caught wind of the zoning situation regarding the Fitzgerald's Hotel and Restaurant. I choose not to indulge in the vitriol that seems to be rampant on social media and address the facts that have been presented.

The Fitzgerald's Hotel and Restaurant has been and is currently a reputable establishment that serves the community well in terms of employment and services. It is a business that any community should be proud to have located in their area.

It appears that the Fitz did their due diligence in acquiring the proper permits and meeting with zoning officials in order to properly move forward with their project. Not to mention, the number of officials who monitored the project to make sure the project was in compliance as it was being built.

There seems to have been a fairly large oversight by the county zoning and the KCRC throughout this process. The one who appears to have done their part correctly and proceeded based on the input of the county zoning ...is the Fitz.

Is it right to penalize this business by requiring them to tear down the structure when they followed the proper channels for the permit process in the correct manner? Mistakes happen, even at the County level. The structure does not appear to hinder operations for the KCRC. All things considered, allowing the structure to remain is in my opinion the right thing to do.

--
Staci M. Gibson
Grocery Gal LLC
Gas Lite General Store
39 Gratiot Street
Copper Harbor, MI 49918
906-281-9281

May 9, 2023

Keweenaw County Road Commission
1916 Fourth St.
Mohawk, MI 49950

Neighbors,

We are writing with our emphatic support to allow progression of the expansion of the kitchen project at Fitzgerald's. This organization has been a pillar of our community for years, providing good jobs, philanthropy, and a cherished spot for community fellowship. While a beloved spot for residents; a stay at the hotel or a fine meal at the restaurant is the highlight of many tourists' visits to the Keweenaw, and in fact, is often the draw for people to make their visit.

We fully support the Herculean task our roads department faces keeping our roads safe and clear. However, there has been a structure at this location for some time and the road in front of Fitzgerald's has stayed passable.

Please consider allowing this kitchen expansion to proceed as planned. The economic and social benefits provided by Fitzgerald's far outweigh concerns brought by the road commission.

Cordially,

Handwritten signatures of Ann O'Rourke and Kevin Tita in black ink.

Ann O'Rourke and Kevin Tita
9541 Goodell Rd.
Eagle Harbor, MI

May 9, 2023

Greg R Kingstrom
Keweenaw County Road Commission
1916 Fourth Street
P O Box 379
Mohawk, Michigan 49950

Re: Fitzgerald Hotel & Restaurant's KCRC easement

Dear Mr. Kingstrom,

I am writing to request an amicable solution for Fitzgerald's smoker and new construction. These are currently sitting on their parking lot and have had no impact on the roads since their being located there.

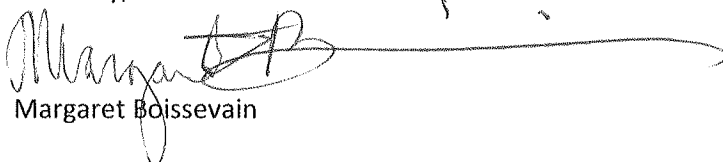
I am married to an owner of Keweenaw Brewing Company, and our favorite local get-a-way is Fitzgerald's. We love to get a room and live on the Lake if only for a night. It brings us such peace and joy. We have enjoyed our relationship with Mike LaMotte and his staff for years. We have loved that Mike continues to support his employees and the community with fundraising and always creating new and different menus as well as upgrading his rooms. Whenever we have family or friends in town a stay at the Fitz is on the list as well as a meal.

It would be a tremendous loss to our community, if Mike were forced to destroy his new construction and move his smoker after 12 years.

We ask for your good faith to help resolve this issue fairly.

Thank you in advance for your consideration in this matter.

Sincerely,


Margaret Boissevain

Greg Kingstrom

From: Jill Passanisi <jill@getnitro.com>
Sent: Wednesday, May 3, 2023 3:46 PM
To: Greg Kingstrom
Subject: Fitzgerald's Hotel & Restaurant

Hello,

I am sending this email letter as a sign of support for The Fitzgerald Hotel & Restaurant. The Fitz's is easily one of the most popular places in the Keweenaw for both Copper Country locals and tourists alike. It is a must visit place to sit and enjoy an amazing meal, served by incredibly friendly staff with a spectacular view of Lake Superior. When my family visits from out of the area, the Fitz is always on their lists of places to go along with many other attractions in the Keweenaw. Anniversary and birthday celebrations are always at The Fitz.

The smoker that has made numerous amazing pork and brisket meals has been in the same spot for over 12 years and the improvements including an enclosure for the smoker, expanded walk-in cooler and take out window are all items the restaurant carefully planned out and obtained not only proper permits, but site visits were done by the required inspector. To be told all permits were not obtained and stopping progress on what is nearly completed seems very unfair.

Businesses of all sizes rely on the County for help and support as do the citizens. Please work with Mike to accomplish his goal and complete the necessary improvements he needs for his business to continue to be successful.

Please take my letter to heart and know that people lift each other up in our area. It's something we are known for, helping our neighbor when we are able to. Fitzgerald's has numerous charitable events every year and often puts the needs of local people over the obvious opportunity to make money. It is my hope that The Keweenaw County Road Commission will offer support with getting these much needed improvements done for a treasured place nestled in the Keweenaw.

I'd like to attend the May 9th meeting but please read my letter at your meeting regardless.

Thank you for your time.

Jill Passanisi

Greg Kingstrom

From: Katlyn Lafrinere <katlyn.lafrinere@gmail.com>
Sent: Thursday, May 4, 2023 9:43 AM
To: Greg Kingstrom
Subject: Fitzgerald's Stop Work Order

Mr. Kingston,

I write to you today for a letter to be read for public comment at the May 9th Keweenaw County Road Commission Board Meeting.

It was come to my attention that some rather frustrating news has recently been given to one of the premier food destinations of the Upper Peninsula as a whole, Fitzgerald's.

I urge the board to consider allowing construction to proceed as planned and approved for this establishment. I can without a doubt say that much of Eagle River's tourist activity (year round) is due to this singular restaurant. I realize that may be both a positive experience and a negative for people that live in the area, but from what I can see - the Fitz is a respectable establishment with real ties to the community and supports the Keweenaw whenever it can.

I detest development as much as the next person, but when the development helps community, the region and is ran by people that care - that's different. What makes people more angry is to have the carpet ripped out from under them after doing everything legally because of political games or opinions.

I urge the board to let the construction continue, this season will be difficult as it is with the bridge construction effecting travel from Copper Harbor. Small businesses shouldn't have to navigate issues like this also.

Thank you,
Katlyn Lafrinere

May 4, 2023

Richard Olson, Chairman
Keweenaw County Road Commission
PO Box 379
Mohawk, MI 49950

Please accept this letter for public comment regarding The Fitzgerald Restaurant at the May 9, 2023 meeting of the commission.

The roads are important to those of us who regularly visit Keweenaw County, and we appreciate the road commission's work. It's essential to the economic vitality and quality of life in the county.

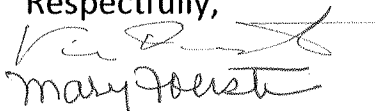
We're writing to support the Fitz and join them in asking for good faith negotiations to resolve the problem they've encountered during construction last year.

It seems despite their due diligence, they find themselves facing a possibility of real harm to their business as a result of action by the commission.

Please negotiate in good faith with The Fitz for a solution to allow this valued business and their employees to continue to thrive in Keweenaw County.

It would be a shame to create the negative perception that the county is not a place where government works with local businesses. Their success is a benefit to us all.

Respectfully,



Vic and Mary Foerster
724 Byers St NE
Grand Rapids, MI 49505



Greg Kingstrom

From: Randall Freisinger <rfreisi@mtu.edu>
Sent: Saturday, May 6, 2023 12:21 PM
To: Greg Kingstrom
Subject: The Fitz

Recently it has come to the attention of many in our community that an issue regarding right of way has developed between the owners of Fitzgerald's Restaurant and the Keweenaw County Road Commission and threatens the future viability of the restaurant. I need not in this email rehearse the details of the apparent conflict as I'm sure you are totally aware of them. I am writing simply to record my support for The Fitz and to urge the Board to reach an agreement mutually satisfactory to both the Commission and the owners and staff of the restaurant.

I live in Houghton and also have a summer residence at Lake Medora. My wife and I have been going to Fitzgerald's frequently, both before it changed ownership and in recent years under its new management, and we have been amazed and very pleased that under new leadership the restaurant has become such a vital part of our community. I am sure you are aware of how popular this dining location has become, and it is no exaggeration to say that The Fitz has established itself as one of the very best dining destinations for people not only from the immediate community but for those from all over the larger Lake Superior region. It has regularly received rave reviews for its quality and high standing in a number of upper midwest travel publications. My wife (and our sons from Chicago when they are in town) dine there regularly, and whenever I have guests from out of town, I make it a point to take them to Eagle River for dinner at the Fitz. Furthermore, as a now-retired professor at Michigan Tech, I can assure you that having such a quality establishment as the Fitz has been a vital recruiting asset when we are trying to hire new faculty, administration, and staff. Its loss or any

significant diminishment in the quality of its distinctive dining would constitute a serious blow to our community. At a time when economic development in our area is so vital, I believe The Fitz is an essential asset. Whatever the technical issues are, it is my serious hope that in the upcoming Board meeting a compromise can be arrived at that works for all concerned parties. The tourist season is fast approaching, and it would be to the mutual benefit of all concerned to resolve this conflict quickly. In whatever form is practical, please convey my views to all in attendance when the KCRC Board meets on May 9. Thank you.

Randall R. Freisinger
Professor Emeritus, MTU

KEWEENAW COUNTY BOARD OF ROAD COMMISSIONERS

RESOLUTION FOR PENSION PROTECTION GRANT APPLICATION

WHEREAS, The Keweenaw County Road Commission desires to submit an application to the Michigan Department of Treasury for the Michigan Pension Protection Grant Program, and

WHEREAS, the Keweenaw County Road Commission attests that it shall implement all the practices as stated in Section 979.a(2) (a-f) of Public Act 166 of 2022, and

NOW, THEREFORE BE IT RESOLVED, that the Board of County Road Commissioners of Keweenaw County designates its Financial Officer/Clerk of the Board, Jesse Patrick, as the Certified Administrative Officer to execute and submit an application to the Michigan Department of Treasury for the Michigan Pension Protection Grant Program

I hereby certify that the above is a true and correct copy of a resolution adopted by the Board of Road Commissioners for the County of Keweenaw, Michigan at the regularly scheduled monthly meeting held on May 9, 2023, and that this meeting was conducted and public notice of this meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of this meeting were kept and will be or have been made available as required by this Act.


I further certify that the foregoing resolution was moved by Commissioner KARVONEN and seconded by Commissioner Bracco.

I further certify that the following Members voted as such for the foregoing resolution:

Olson: Y Aye Nay ___

Karvonen Y Aye Nay ___

Bracco: Y Aye Nay ___


Jesse Patrick, Clerk of the Board


Richard Olson, Chairman

ENGINEERING REIMBURSEMENT

This information is required by Act 51, P.A. 1951 as amended.

Failure to submit this information will result in no reimbursement being made for Engineering.

This report is subject to review by the Michigan Department of Transportation and correction by the submitting agency before final acceptance by the Michigan Department of Transportation.

We, the Board of County Road Commissioners of KEWEENAW County,

do hereby request reimbursement in the amount of \$10,000.00 (not to exceed \$10,000.00)

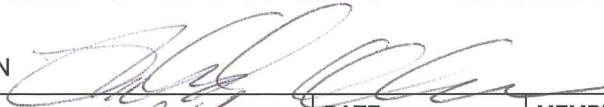



for payments made during the period of July 1, 2022, through June 30, 2023 to licensed professional engineers employed or retained by this Commission, in accordance with the following:

Sec. 12(2) of Act 51, as amended.

"Each county road commission shall be reimbursed in an amount up to \$10,000.00 per year for the sum paid to a licensed professional engineer employed or retained by the county road commission in the previous year. The sum shall be returned to each county road commission certified by the state transportation department as complying with this subsection regarding the employment of an engineer."

We further state that if we do not have a licensed professional engineer in our employ, copies of billings are enclosed with the completed form to justify the payment.

NAME OF ENGINEER(S)	REGISTRATION NUMBER
GREG R. KINGSTROM, P.E.	6201049348

CHAIRMAN	DATE
RICHARD OLSON 	5-9-23
MEMBER	DATE
JOHN KARVONEN 	5-9-23
MEMBER	DATE
GARY BRACCO 	5-9-23
ATTEST	
CLERK	DATE
JESSE PATRICK 	5/9/23

E-MAIL TO: MDOT-Outreach@Michigan.gov